CLERK'S COPY

Vol. IV

TRANSCRIPT OF RECORD

(Pages 499 to 560)

Supreme Court of the United States

OCTOBER TERM, 1946

No. 759

THE UNITED STATES OF AMERICA, PETITIONER,

vs.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION

No. 760

THE UNITED STATES OF AMERICA, PETITIONER,

vs.

JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA

No. 781

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

No. 782

JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

No. 811

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, PETITIONERS,

vs.

THE UNITED STATES OF AMERICA

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

PETITION FOR CERTIORARI IN NOS. 759 AND 760 FILED DECEMBER 6, 1946.
PETITION FOR CERTIORARI IN NOS. 781 AND 782 FILED DECEMBER 12, 1946.
PETITION FOR CERTIORARI IN No. 811 FILED DECEMBER 21, 1946.
CERTIORARI GRANTED IN NOS. 759 AND 760 DECEMBER 9, 1946.
CERTIORARI GRANTED IN NOS. 781 AND 782 DECEMBER 16, 1946.
CERTIORARI GRANTED IN NO. 811 DECEMBER 23, 1946.

APPENDIX

Table of Contents

Note.—The notice of the appeals of John L. Lewis and the United Mine Workers of America, an unincorporated association, from the judgments and sentences of the United States District Court for the District of Columbia are printed in Volume 3 of this record at pages 496 and 497.

SUPPLEMENTAL VOLUME IV

	Page
Note.—The Court Reporters' Transcript of Proceedings for the first session in court of this case, held November 25, 1946, was omitted from volume II of the Transcript of Record, as it appears in this Supplemental Volume at	499
Court Reporters' Certificate	509
Order Directing Clerk to Certify and Forward the Original Record to the United States Court of Appeals, District of Columbia	510
Transcript of Record of Proceedings in Justice Goldsborough's Chambers, December 6, 1946	510
Undertaking on Appeal and Supercedeas of Appellant John L. Lewis	512
Certificate of John L. Lewis, President United Mine Workers of America Concerning Authority of Thomas Kennedy, Secretary-Treasurer	513
Undertaking on Appeal and Supercedeas of Appellant United Mine Workers of America	513
List of Collateral United States Bonds	514
Constitution of the International Union, United Mine Workers of America	515
Affidavit of Thomas Kennedy, Secretary-Treasurer of United Mine Workers of America	552
Order Staying Execution	552
Appellee's Designation of Record on Appeal	553
Certification of Clerk of United States District Court	554
Certification of Clerk of the United States Court of Appeals, District of Columbia	554
Notice of appeal from order granting preliminary injunction, etc.	558
Designations of record on appeal	559
Clerk's certificate (omitted in printing)	561
Designation of record in U. S. Court of Appeals	563
Clerk's certificate (omitted in printing)	564
Orders allowing certiorari	565

1 In the District Court of the United States for the District of Columbia

Holding a Motions Court

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

vs.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

WASHINGTON, D. C., November 25, 1946.

The above-entitled cause came on for hearing on a rule to show cause why the defendants should not be adjudged in contempt of court, before Hon. T. ALAN GOLDSBOROUGH, Associate Justice, at 10 o'clock a. m.

Appearances:

On behalf of the Government: JOHN F. SONNETT, Assistant Attorney General; JOHN FORD BAECHER, Special Assistant to the Attorney General; JOSEPH M. FRIEDMAN, Special Assistant to the Attorney General; J. FRANCIS HAYDEN, Special Assistant to the
2 Attorney General; ROBERT L. WERNER, Special Assistant to the Attorney General; GEORGE MORRIS FAY, United States Attorney, District of Columbia.

On behalf of the Defendants: WELLY K. HOPKINS, 900 15th Street NW.; EDMUND BURKE, Springfield, Illinois; T. C. TOWNSEND, Charleston, West Virginia; HARRISON COMBS, 900 15th Street NW.; JOSEPH A. PADWAY, 738 Bowen Building; HENRY KAISER, 736 Bowen Building; JAMES A. GLENN, 736 Bowen Building.

3 PROCEEDINGS

The COURT. You may proceed when you are ready, gentlemen.

Mr. SONNETT. If the Court please, the Government is ready and desires to file a copy, and serve it on the defendants, and does hereby serve it on the defendants of its views concerning the issues on the hearing on the rule to show cause now before this court.

The COURT. Has this been served on the defendants?

Mr. SONNETT. I have just served it on the defendants, Your Honor.

The COURT. This is a rule to show cause based on the provisions of Section 387 of Title 28 of the United States Code Annotated, the provisions of which are as follows:

"Whenever it shall be made to appear to any District Court or judge thereof or to any judge therein sitting by the return of a proper officer of a legal process upon the affidavit of some capable person, or by information filed with any District Attorney that there is good ground for belief that any person has been guilty of such contempt of court, the judge thereof or any judge therein sitting may issue a rule requiring the said person so charged to show cause on a date certain why he should not be punished therefor, which rule, to-
4 gether with a copy of the affidavit or information shall be served upon the person charged with sufficient promptness to enable

him to prepare for and make return of the order at the time fixed therein. If, upon such return, in the judgment of the court, the alleged contempt is not sufficiently purged, trial shall be granted at the time and place fixed by the Court."

Now, I have not, of course, read this brief, I have just seen it. The procedural matter is novel; insofar as I know there is no precedent to guide the Court, and the Court will hear both sides, of course, as to your views; but tentatively, what the Court sees in this picture is this, that if the defendant at this hearing denies he is in contempt of court, then the matter is set down for trial; if the defendant, on the other hand, claims that either directly or by implication, admits the contempt, but claims that he has purged himself, why, then, he should be heard. Now, that is the picture I see. I will hear both sides on those views as to just what the procedure should be.

Mr. HOPKINS. With the procedure as I understand to be announced by your Honor we take no exception, but on the contrary agree as to the procedure.

The COURT. All right, what is the Government's view?

Mr. SONNETT. The rule to show cause——

5 Mr. HOPKINS. Pardon me, in agreeing to the procedure as I understood it to be announced by Your Honor, I think it is only fair to say that the defendants through counsel are prepared to make a statement to the Court enunciating their positions. As to whether the Court will want to hear it now or discuss the procedures outlined by the Court, is a matter for the Court to suggest.

The COURT. Well, the Court thinks that probably first we should decide on the procedure, so that it may be conducted in a regular and orderly manner. The Court has given you its view tentatively on what the procedure should be.

Mr. HOPKINS. The procedure, as I understand the Court, if it is desired, the defendants would accede to the court procedurally. I don't know just what the Government had in mind in response to that point, but I merely want to put them on notice and say to the Court that we have this statement to make and will make it now or later, as the case may be.

The COURT. The Court will hear you later.

Mr. SONNETT. May I inquire, if the Court please, I do not know whom counsel is appearing before. Before we proceed further, we have noted the Government's appearances. I don't know whether counsel is appearing for one or both defendants.

Mr. HOPKINS. In response to that, Your Honor, it was the intention of counsel for the defendants, as a matter of record, to pre-

6 sent to the Court and identify counsel, and with your permission I will do it now.

For the record, my name is Welly K. Hopkins, counsel for the United Mine Workers——

The COURT. Are you a member of this bar?

Mr. HOPKINS. No, sir. Associated with us are members of this bar.

The COURT. I would suggest, sir, that some member of this bar introduce counsel who are not members of this bar, and ask that they be allowed to participate in the trial, which request the Court will immediately grant.

Mr. HOPKINS. Very well, sir. Mr. Combs, who is a member of this bar, will do that.

Mr. COMBS. I am a member of the bar of the District of Columbia.

Mr. Welly K. Hopkins is a member of the bar of the State of Texas and counsel for the United Mine Workers.

Mr. Edmund Burke is a member of the bar of the State of Illinois——

The COURT. Very glad to have you, sir.

Mr. COMBS. Mr. T. C. Townsend is a member of the bar of the State of West Virginia.

We have associated with us as counsel Mr. Joseph A. Padway, who expects to participate in the case in the event that he is back in the city. He is out of the city. With Mr. Padway we have Mr.
7 Henry Kaiser, a member of the bar of the State of Wisconsin.

We have with us also Mr. James A. Glenn, a member of the bar of the District of Columbia, and of Ohio.

Your Honor, I move that for the purposes of this suit these gentlemen whom I have mentioned be admitted.

The COURT. They are admitted, gentlemen.

Mr. HOPKINS. Your Honor, it might be well to state to Your Honor that counsel who have been introduced to the Court as now identified appear for each of the several defendants, that is to say, for the United Mine Workers of America as such, for Mr. John L. Lewis individually and Mr. John L. Lewis in his official capacity as president of the United Mine Workers.

The COURT. All right.

Mr. SONNETT. May I respectfully request the Court to inquire further, whether the appearance is a general appearance for each defendant and whether the individual defendant has been produced personally in response to the order to show cause.

Mr. HOPKINS. The United Mine Workers of America appear by and through its president, Mr. John L. Lewis; Mr. John L. Lewis appears as a defendant individually, and in his official capacity as president of the United Mine Workers of America and also is present in court, and we appear for him.

8 The COURT. He is also here representing the United Mine Workers?

Mr. HOPKINS. That is correct, sir.

The COURT. All right.

Mr. SONNETT. Now, does Your Honor desire the Government to state its views as to the procedural question?

The COURT. Yes, sir.

Mr. SONNETT. The rule to show cause issued by Your Honor on November 21, 1946, and served upon the defendants herein provides in part, and I will quote:

"It is further ordered, that in the event upon or by the return or returns of said United Mine Workers of America, an unincorporated association, and John L. Lewis, individually and as president of the United Mine Workers of America, it shall be found that the alleged contempt is not sufficiently purged, a trial shall be and is hereby directed to be held on the 27th day of November 1946 at 10 o'clock in the forenoon of that day, at a term of the District Court of the United States for the District of Columbia, to be held in Room 319,

The Municipal Court Building, 5th and E Streets, Northwest, District of Columbia, or at such other day as shall be determined by this Court."

That, Your Honor, is from the provisions of the rule to show cause——

The COURT. Well, it follows the statute, those words
9 the statute exactly.

Mr. SONNETT. And follow it well, sir, in our view, the requirements of the cases dealing with the subject, which I shall come to with the Court's permission in a moment.

The COURT. Yes.

Mr. SONNETT. It is plain from the terms of the rule to show cause and under settled law, we believe, that only two issues are before the Court at this time on the rule to show cause: First, whether the contempt as alleged is established, and second, whether the alleged contempt has been sufficiently purged.

The return of the defendants not having yet been made, if the Court please, the Government is unable to present to the Court any views on the question whether the contempt as alleged has been purged. So far as we are aware the defendants have taken no action up to this time to withdraw the alleged notice of termination of the so-called Krug-Lewis contract.

With respect to the question whether the petition and the papers allege a contempt, I should be very happy to offer argument to Your Honor on that point, that is, that the papers now before this Court do allege a contempt of court.

The COURT. Well, it is not necessary.

As counsel for the defendants are of the opinion that these
10 documents in this case do not allege a contempt, the Court will hear them and then, if it is necessary, I will hear you further.

Mr. SONNETT. Thank you, Your Honor.

Mr. HOPKINS. If it please the Court, it has occurred to counsel for the defendants that it is perhaps the proper juncture to make a statement to the court with reference to their position first on the contempt, as indicated a few moments ago, that counsel would do, and would perhaps clarify the procedural questions that may be involved before us.

Speaking in behalf of the defendants, and each of them, I would say to Your Honor that the defendants in this cause, United Mine Workers of America, John L. Lewis individually, and as president of the United Mine Workers of America, now appear before Your Honor in response to the rule to show cause which has heretofore been issued. Involved in this case is the notice of November 15, 1946, given by these defendants to the Secretary of the Interior of the termination of the so-called Krug-Lewis agreement, given prior to the filing of this case.

It was by the defendants, Your Honor, given in good faith; it was given by them upon the advice of counsel; it was intended solely to protect the interests of the United Mines Workers of America and its members.

The complaint for the declaratory judgment and injunctive
11 relief, the temporary restraining order and the rule to show cause issued thereupon, stemmed from a controversy involving said notice and its giving.

The United Mine Workers of America, Your Honor, and Mr. Lewis individually, and in his official capacity, have no desire, no intent to refuse or withhold due and proper recognition of this Honorable Court's authority. On the contrary, Your Honor, it is their desire and the desire of each of them, now and at all times to accord full and complete deference and respect to this Court, Your Honor, and to all the courts of our common country.

Such is their attitude now, collectively, and individually in this instant proceeding.

The defendants, and each of them, however, believe, Your Honor, that their action in giving said notice and all their actions subsequent thereto, have been both legal and proper.

They now make the following return to Your Honor's rule to show cause issued on November 21, 1946, as follows:

The defendants and each of them respectfully state to the Court that they and each of them, since the giving of said notice of November 15, 1946, since the issuance of Your Honor's temporary restraining order of November 18, have done no act nor spoken any word pertaining to said notice or in reference to permitting it to continue in effect.

12 The status of the notice and the position of each of the defendants in reference thereto remains today in the status which existed at the time of its giving and at all times subsequent thereto.

The defendants and each of them, Your Honor, therefore respectfully say to this Court that the situation with respect to such notice of November 15, 1946, for the reasons herein stated remains unchanged.

The defendants and each of them respectfully deny the jurisdiction of this Honorable Court to have issued the temporary restraining order and the rule to show cause issued thereunder.

The defendants will be prepared to present arguments on this question on November 27, the time fixed by the Court in its order, as we understand it, for the hearing of this case.

That, sir, is intended to be in response to Your Honor's rule, and to give proper return to the rule, and to announce to the Court the position that the defendants, as they see it, occupy at this time; acceding to Your Honor's suggestion, as we understand it, that return having been made to Your Honor's rule, the matter would, under your order, be set for trial, as we understood the Court to suggest, at 10 o'clock Wednesday morning, as set out in your original rule.

That, sir, is the statement we desire to make.

The COURT. Do you have a written return?

13 Mr. HOPKINS. No, sir, what I have stated to the Court is more or less of a speaking declaration, in which we hoped and attempted to give the Court a full disclosure of our position.

The COURT. I will request the reporter to write out the remarks of Mr. Hopkins regarding the position of the defendants as to the Court's restraining order and the rule to show cause and make it a part of the record.

Miss Jobe, put it in the record.

Miss JOBE. Yes, Your Honor.

Mr. SONNETT. If the Court please, various of the statements of counsel purport to be statements of fact as to what the defendants and each of them believe.

The COURT. Well, I understand the defendants to say, sir—and of course, I am not deciding this case now—the case is to be tried, but I understand the defendants to say that since November 15 when they gave the notice to the Secretary of the Interior, that they have taken no action of any kind whatever. That is my understanding of what the defendants say.

Mr. HOPKINS. That is correct, sir.

Mr. SONNETT. My first question, if the Court please, was whether I am to understand that the Court understands that what counsel has said amounts to an offer of proof which he will make at the
14 trial? I merely wish to observe that he has made certain statements as to the facts and if it is an offer of proof to be made at the trial, I am perfectly willing to assume that counsel will offer that evidence.

The COURT. Do you mean that the defendants have to offer proof that the defendants have not done anything?

Mr. SONNETT. I believe as to the defendants having issued the notice——

The COURT. The question whether it is evidential or not the Court will have to decide.

Mr. SONNETT. That is correct, and I heartily subscribe to Your Honor's view.

On the question whether the defendants have taken no action since the restraining order can amount to a contempt, I am now prepared and with the Court's permission would like to offer argument on that point.

In our view——

The COURT. Now, let's see. Now, the Court is not going to cut anybody off, I don't mean that by what I am about to say. This is the situation as the Court sees it. The Court issued the restraining order. The Government comes in and says that on information and belief the restraining order has not been obeyed. On the return day, which is today, the defendant comes and make a statement categorically through his counsel—the defendants, I should say through their counsel, that they have done nothing since they gave the
15 notice that the Krug-Lewis contract no longer was in effect, to the Secretary of the Interior and the miners. Now that is what they say.

Now that is equivalent to saying that they did not obey the restraining order, but they say that we did not have to obey the restraining order because it was not legal.

Now those are all matters which will have to be taken up on Wednesday, aren't they?

Mr. SONNETT. If I understand Your Honor, from the statements of the defendants' counsel——

The COURT. That is their position. I am not expressing any opinion as to the correctness of their position or its incorrectness, I mean, that seems to be their position.

Mr. SONNETT. Their position is, Your Honor, that they have taken no action and that that would constitute a contempt of this Court if a legal contempt is charged, then I am quite prepared to agree that the matter should await the outcome of a trial.

On the other hand, if counsel asserts that failure to take action could not constitute a contempt, I think argument would be proper, and I am prepared to make that argument.

The COURT. I do not think it is necessary to make that argument to this Court.

MR. SONNETT. If Your Honor would prefer that the argument be deferred——

16 The COURT. I think it would be better; yes, sir. This is a tremendously serious matter and the more consideration, thought, and contemplation that the parties can give to it the better results will probably obtain. Now, I don't want—suppose you sit down a minute——

Mr. SONNETT. Yes, sir.

The COURT. I don't want to be extrajudicial, but I don't think a situation like this has ever confronted society before or confronted a court before—I have never heard of one.

You see, when the Government presented its complaint to the Court the Court had two things to consider, whether or not a delay of eight or ten days would endanger the plaintiff; and secondly, whether or not the matter in the complaint justified judicial consideration.

Now, this complaint is not filed by a private employer, but by the sovereign, power, by society itself, and there is a general rule that where language in a statute makes no reference—unless it includes the sovereign power, unless it includes society itself, that society itself if not included.

Now, I presume that the defendants will claim that that rule does not apply in this case, but that the Norris-LaGuardia Act applies, and I cannot say today, and I have no opinion, because I am not allowed to have an opinion until after the case is tried, as to
17 the correctness of that position; but the defendants are inevitably going to be confronted when the trial is had with this thought: Instead of waiting for a judicial determination as to whether their position is correct or not, they undertook to decide the law for themselves.

Now I do not think any thinking person in this country wants to see anything happen to the labor unions which will interfere with their continued effectiveness so far as raising the general standard of living is concerned. Capitalism is, of course, a tremendous agent for production—even Karl Marx has admitted that time and time again, but it is weak on the consumptive side and labor unions are one of the most effective things to endeavor to supplement the consumptive side of capitalism.

Of course, I cannot do anything more than just outline the situation as it appears. The Court hopes that the unions will not take such a position as will cause such public feeling as to induce Congress to do something which may set the labor movement back for years.

Now I do not know whether I am justified in making that statement or not—it is extrajudicial, of course, but it is something that I hope will be borne in mind.

Now, gentlemen, is there anything the Court between now and Wednesday morning at 10 o'clock?

Mr. SONNETT. So far as the Government is concerned, Your Honor; no.

18 I should merely like to suggest to Your Honor that our brief takes the position that whether or not the Norris-La-Guardia Act is applicable, the defendants, by their action, are in contempt of this Court. I do not think it requires argument now. We have fully briefed the point and have served counsel copies of our brief.

Mr. HOPKINS. If it please the Court, with reference to the statement just made by counsel for the Government with reference to the brief which was only a few moments ago handed to us, and bearing in mind, Your Honor, the time element, of course, that is very much felt by the presentment of both sides who have labored in the preparation of this case, and bearing in mind also Your Honor's statement of a few moments ago, as I understood it, that the problems that would flow from the trial of this issue are certainly grave in nature and certainly are complex in many of the facets and problems as they will develop, and bearing in mind also the fact that it is the desire, certainly of all counsel for the defendants, and I am quite confident equally so of the Government, that when the issue comes to trial that each of us be adequately prepared in the way of legal presentation, both to conserve Your Honor's time and to give Your Honor such analysis as we may find available to ourselves under the authorities, we have suggested to Your Honor in the speaking declaration just given to the

19 Court that we would be ready on Wednesday morning; if that is Your Honor's wish we will undertake to meet it, but I would like to say to Your Honor that without undertaking to influence Your Honor's thinking concerning their presenting the problem that instead of that, might I suggest to you, sir, for your consideration, whether or not it would be advisable and would meet the convenience of all parties interested in this case——

The COURT. Can you say also that it is possibly in the public interest?

Mr. HOPKINS. Yes, sir; I will be delighted to say that, sir, because I think it is inherent in this, that the public interest, sir, runs through this proceeding, and I say to you in the public interest unqualifiedly, that the date, rather than 10 a. m. on Wednesday, be extended.

There is one little personal reason that I might suggest to Your Honor, although, of course, it runs not to the merits of your decision, I should tell you this, that one of counsel, Mr. Joseph Padway, is out of the country and was out of the country at the time the proceedings were originally instituted. I spoke with him on the long-distance telephone in Honolulu yesterday and he is taking a plane and is on his way back to Washington now and hopes to be available, if possible, on Wednesday, and his counsel is desired and sought by the defendants and counsel collectively.

Returning to the problem that Your Honor has suggested

20 today, the very weight and the weighty result that will flow from a proper decision, and a desire to be of full assistance in disclosing to Your Honor all the authorities that may be available, and the analysis thereof, and in the interest of the development properly of the case most expeditiously and certainly, also in the light of public interest, we respectfully suggest to Your Honor the consideration of an enlarged or extended time—enlarging or extending the time now set, instead of 10 a. m.

We do not have any reason other than the one personally stated. It is not for delay at all, sir; it is in order that equity shall be well and completely done that the suggestion is submitted to Your Honor for your consideration.

Mr. SONNETT. If the Court please, the Government is opposed to any adjournment of this matter beyond the date already set by Your Honor in the rule to show cause, November 27, this coming Wednesday.

The COURT. That date was set, sir, but that date was not made—it was not made positive.

Mr. SONNETT. That is entirely correct, sir—I don't mean to imply that Your Honor had no power to change it. The Court, of course, has all power, but I should like to say to Your Honor that so far as the Government is concerned we oppose any adjournment beyond the 27th, because in our view a contempt of court has been com-
21 mitted, is being committed, and will continue to be committed until disposition of this matter by this Court, and that that contempt is causing increased damage to the public, which is irreparably hurt by it, and therefore the public interest in the case, not the defendants, have an extension of time during which they may continue the contempt of court, but rather that the matter be disposed of at the earliest date.

The COURT. There are two ways of looking at it. Of course, the defendants have had since the 18th of November to reach a conclusion as to what their attitude should be, and also to determine the manner—I mean nine days from the 18th to the 27th, and if the Court had any reasonable assurance that it was possible to avoid this issue by any extension of time, the Court would consider it very carefully, but in the absence of that, and assuming as the Court does, that it does seem to it as though the defendants had had a fair opportunity to make preparation for the hearing on the merits, and in face of the Government opposition, the case will be set down for trial on Wednesday the 27th.

Mr. SONNETT. May I say further, Your Honor, the Government's position is that if the defendants comply with this Court's directions we will be happy to consent to an adjournment which the defendants desire and the Court rules.

The COURT. All right.

Mr. HOPKINS. If Your Honor please, if you will pardon,
22 merely as a matter of procedure, I want to interpose this question of a legal sort. In the temporary restraining order Your Honor set for 10 o'clock on Wednesday, the matter of the temporary injunction. Now that is the identical hour that is now set for the trial upon the issues involved in the rule. I make inquiry of the Court as to the status of that matter.

The COURT. The Court is of the opinion that would—what would be done would be the question of the contempt would be passed upon first, and then immediately following the Court will consider the merits of the question whether there should be a declaratory decree.

Mr. HOPKINS. Yes.

The COURT. Is that in accordance with the view of counsel on both sides?

Mr. SONNETT. Yes, Your Honor; we request at that time, respectfully, that the Government authorities be considered both with the contempt and with the question of the issuance of the temporary injunction.

The COURT. There is no reason why it should not be done.

So far as I know there is nothing further before the Court in this case today then.

We will adjourn until Wednesday any subsequent proceedings in this matter.

23 In order that those interested in this matter and not in the subsequent proceedings may be able to leave the Court in an orderly manner, the Court will take a five-minute recess.

(Thereupon, at 10:35 o'clock a. m., the hearing in the above-entitled matter was adjourned until Wednesday, November 27, 1946, at 10 o'clock a. m.)

Reporter's certificate

I, O. H. FROST, an official reporter for the District Court of the United States for the District of Columbia, hereby certify that the foregoing is the official transcript of the proceedings had in the above-entitled cause.

O. H. FROST,
Official Reporter.

Reporter's certificate

I, O. H. FROST, one of the official reporters to the District Court of the United States for the District of Columbia, hereby certify that the foregoing is the official transcript of the proceedings and testimony had in the above-entitled cause as appears on pages 1 to 571, both inclusive.

O. H. FROST,
Official Reporter.

In the District Court of the United States for the District of Columbia

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, ET AL., DEFENDANTS

Order directing clerk to certify and forward the original record to the United States Court of Appeals, District of Columbia

The defendants having on December 4, 1946, given notice of an appeal from the Judgments and Sentences made by the Court on that date and having on December 5, 1946, filed their written notice of appeal, and good cause appearing therefor:

It is ordered that the clerk of this Court forthwith certify and forward to the United States Court of Appeals for the District of Columbia the original and all of the papers and records on file in this Court which shall be and constitute the record on appeal in said cause:

It is further ordered that the clerk of this Court prepare as promptly as possible a true and correct and certified copy of said record on appeal and, with the permission by order given of said Court of Appeals substitute the same in the place and stead of said original papers and records, which, upon such event shall be returned and lodged in this Court for such further action as is appropriate.

(S) T. ALAN GOLDSBOROUGH, *Justice.*

DECEMBER 5, 1946.

[Filed Dec. 5, 1946. Charles E. Stewart, Clerk.]

DEC. 6, 1946, *10 A. M.*

U. S. v. *Lewis*, et al., CA 37764

CONFERENCE IN CHAMBERS

Mr. PADWAY. In this case, Your Honor, the situation is this: yesterday afternoon counsel for the Government submitted an order which, in effect, was to have the original record forthwith sent to the United States Circuit Court of Appeals. The order was shown to us, we read it through. We informed the gentlemen that we had no objection to the form of the order, but we did not want it construed as a waiver of such rights as we had with respect to the designation of the record, the docketing of the same and the time allowed us in which to perfect our appeal, beyond the filing of the notice, which was had yesterday afternoon, or yesterday morning, in the United States District Court Clerk's office.

Now, it seems to us, or to me, at least, that the Government puts a construction on that as though it were a stipulation constituting a waiver of our rights.

Let there be no mistake concerning that. We emphatically state that we did not intend that that order shall have the effect of a stipulation waiving any rights that are ours under the rule.

Mr. HOPKINS. We did not and we do not now.

Mr. PADWAY. We further request and now move that the order be vacated and set aside, unless the Government agrees with our construction, and that we be allowed to take the course prescribed by the rules and to exercise such rights as are ours on the appeal.

The COURT. Now, you will mark that as Mr. Padway's statement.

This is the Court's statement.

The Court's statement is that the order was agreed to by both sides last night. The Court, at the time, or about the time that the order was signed said the Court understands that all parties wanted to get this case up as rapidly as possible, and there was an assent. The Court signed the order. That is all the Court knows about it.

Mr. BAECHER. I would say this, in behalf of the Government, if Your Honor please: that this order was prepared by the Government and presented to Your Honor after the appellants had filed their notice of appeal. It was brought in and submitted to Your Honor at a regularly scheduled session of this Court in chambers. It was submitted to counsel at the same time it was submitted to and explained to Your Honor, and counsel for the appellants expressly stated that they were agreeable to the order. It was explained at the time that it meant only what it said and that is, that there will be certified immediately to the Circuit Court of Appeals—because of the delay that would have ensued by making a copy of the original papers on file in this court—those papers to be returned, those original papers to be returned to this court as soon as there could be prepared and substituted in the Circuit Court of Appeals, certified copies of those papers, the return to be for such further appropriate action as is necessary or required in this cause.

The object of presenting this order, as was obvious, we thought at the time, explained by Mr. Sonnett, was to have a speedy hearing on this appeal, which had been duly noted. It is the position of the Government that an appeal having been taken there should be—because of the great urgency of the question and the importance—as prompt as possible a disposition, of that matter on appeal.

It is submitted that the order was entirely proper, within the power of the Court, and that there is precedent in this Court, acting through esteemed judges in entering a similar order.

The COURT. The Court will supplement its previous statement, that upon hearing counsel for the Government, the Court remembers that the Court was somewhat confused about the meaning of the order, but the Court felt that there was no reason why we should wait for a transcript, and then the Court's attention was called to the language that the order actually followed the Court's suggestion. That was all gone into by counsel last night.

Gentlemen, I am going on the bench unless there is something further.

Memorandum of those present at the conference: Representing the Appellants: Joseph A. Padway, Esq., Welly K. Hopkins, Esq. Representing the Government: John Ford Baecher, Esq.

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

The undersigned has filed notice of appeal to the United States Court of Appeals for the District of Columbia to reverse or modify the judgment rendered by the District Court of the United States for the District of Columbia in the above-entitled cause on December 4, 1946, and to supersede said judgment is required to give a bond secured by cash deposit with the Clerk of the above Court, in the sum of $10,000.00, conditioned for the satisfaction of the judgment in full, with costs, interest, and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages for delay as the appellate court may adjudge and award.

Wherefore, the undersigned appearing and submitting to the jurisdiction of the court, hereby undertakes for himself, his heirs, executors, administrators, successors, and assigns to comply with the conditions as above set forth, and does further agree that, upon default in any of the conditions hereof, the damages, costs and interest may be ascertained in such manner as this Court shall direct; that this Court may give judgment hereon in favor of any person thereby aggrieved against him for the damages, costs and interest, suffered or sustained by such aggrieved party, and that said judgment may be rendered in the above entitled cause or proceeding against the undersigned.

The undersigned hereby irrevocably appoints the clerk of this Court as his agent upon whom any papers affecting his liability on this undertaking may be served.

Signed and delivered this 5th day of December 1946, in the presence of:

(S) JOHN L. LEWIS.

(S) WELLY K. HOPKINS.
(S) HENRY KAISER.

Bond approved this 5th day of December 1946.

(S) T. ALAN GOLDSBOROUGH, *Justice.*

[Filed Dec. 5, 1946. Charles E. Stewart, Clerk.]

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

CITY OF WASHINGTON,
District of Columbia, ss:

John L. Lewis, being first duly sworn under oath, deposes and says: That he is the duly elected President of the United Mine Workers of America; that pursuant to powers vested in the office of president by Section 7, Article IX of the Constitution of the International Union, United Mine Workers of America, a true copy of which is attached hereto, he has authorized Thomas Kennedy, duly elected and active Secretary-Treasurer of the United Mine Workers of America, to assign, transfer and deliver such United States bonds that are registered in the name of the United Mine Workers of America as may be necessary for the purpose of deposit with the Clerk of the United States District Court for the District of Columbia as security for bond given by the United Mine Workers of America to secure payment of judgment rendered against the United Mine Workers of America on December 4, 1946, in the above-styled cause.

(S) JOHN L. LEWIS.

Subscribed and sworn to before me this 6th day of December 1946.

DOROTHY L. PARKER, *Notary Public.*

[Filed Dec. 5, 1946. Charles E. Stewart, Clerk.]

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

The undersigned has filed notice of appeal to the United States Court of Appeals for the District of Columbia to reverse or modify the judgment rendered by the District Court of the United States for the District of Columbia in the above-entitled cause on December 4, 1946, and to supersede said judgment is required to give an undertaking, under seal, secured in lieu of cash by the deposit of United States bonds with the Clerk of the above Court as shown and identified in the attached schedule, in the sum of $3,500,000, conditioned for the satisfaction of the judgment in full with costs, interest, and damages for delay, if for

any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages for delay as the appellate court may adjudge and award.

Wherefore, the undersigned United Mine Workers of America, an Unincorporated Association, appearing and submitting to the jurisdiction of the Court, hereby undertakes for itself and its executors, administrators, successors, and assigns to comply with the conditions as above set forth, and does further agree that, upon default in any of the conditions hereof, the damages, costs, and interest, may be ascertained in such manner as this Court shall direct; that this Court may give judgment hereon in favor of any person thereby aggrieved against it for the damages, costs, and interest, suffered or sustained by such aggrieved party, and that said judgment may be rendered in the above-entitled cause or proceeding against it.

The United Mine Workers of America hereby irrevocably appoints the clerk of this Court as its agent upon whom any papers affecting its liability on this undertaking may be served.

Signed, sealed, and delivered this 5th day of December 1946, in the presence of:

[SEAL] UNITED MINE WORKERS OF AMERICA,
By THOMAS KENNEDY,
Secretary-Treasurer.

WELLY K. HOPKINS.
HENRY KAISER.

Bond approved this 5th day of December 1946.

T. ALAN GOLDSBOROUGH, *Justice.*

[Filed Dec. 5, 1946. Charles C. Stewart, Clerk.]

PROPERTY OF UNITED MINE WORKERS OF AMERICA

2% Treasury coupon bonds—1951–1953, $10,000.00 each, numbered: 25706 E, 25707 H, 25708 J, 25709 K, 25710 L, 25711 A, 25712 B, 25713 C, 25714 D, 25715 E, 25716 F, 25717 H, 25718 J, 25719 K, 25720 L, 25721 A, 25722 B, 25723 C, 25724 D, 25725 E.

2% Treasury coupon bonds—1952–1954 $10,000.00 each, numbered: 75206 F, 75207 H, 75208 J, 75209 K, 75210 L, 75211 A, 75212 B, 75213 C, 75214 D, 75215 E, 75216 F, 75217 H, 75218 J, 75219 K, 75220 L, 75221 A, 75222 B, 75223 C, 75224 D, 75225 E, 75226 F, 75227 H, 75228 J, 75229 K, 75230 L, 75231 A, 75232 B, 75233 C, 75234 D, 75235 E.

$100,000.00 each, numbered: 24764 D, 24765 E, 24766 F, 24767 H.

$1,000,000.00 registered Treasury bond 1963–1968, No. 546 F.

Total page 1 ..... $1,600,000.00

(Pencil note): Dec. 6, 1946.

The above bonds received for deposit in C. A. No. 37764.

CHAS. E. STEWART,
Clerk.

By (S) H. M. HULL,
Dep. Clerk.

[Filed, Dec. 5, 1946. Charles E. Stewart, Clerk.]

2¼% Treasury coupon bonds—1959–1962 $10,000.00 each, numbered: 5838 J, 5839 K, 5840 L, 5841 A, 5842 B, 5843 C, 5844 D, 5845 E, 5846 F, 5847 H, 21425 E, 21426 F, 21427 H, 21428 J, 21429 K, 60194 D, 60195 E, 60196 F, 60197 H, 60198 J, 60199 K, 60200 L, 60201 A, 60202 B, 60203 C, 60204 D, 60205 E, 60206 F, 60207 H, 60208 J, 60209 K, 60210 L, 60211 A, 60212 B, 60213 C, 60214 D, 60215 E, 60216 F, 60217 H, 60218 J, 60219 K, 60220 L, 60221 A, 60222 B, 60223 C, 60224 D, 60225 E, 60226 F, 60227 H, 60228 J, 78178 J, 78179 K, 78180 L, 78181 A, 78182 B, 78183 C, 78184 D, 78185 E, 78186 F, 78187 H, 78188 J, 78189 K, 78190 L, 78191 A, 78192 B, 78193 C, 78194 D, 78195 E, 78196 F, 78197 H, 78198 J, 78199 K, 78200 L, 78201 A, 78202 B, 78203 C, 78204 D, 78205 E, 78206 F, 78207 H, 78208 J, 78209 K, 78210 L, 78211 A, 78212 B, 78213 C, 78214 D, 73215 E, 78216 F, 78217 H.

2¼% Treasury coupon bonds—1956–1959 $10,000.00 each, numbered: 27243 C, 27244 D, 27245 E, 27246 F, 27247 H, 27248 J, 27249 K, 27250 L, 27251 A, 27252 B, 27253 C, 27254 D, 27255 E, 27256 F, 27257 H, 27258 J, 27259 K, 27260 L, 27261 A, 27262 B.

2¼% Treasury coupon bonds—1959–1962 $100,000.00 each, numbered: 1302 B.

2¼% Treasury coupon bonds—1956–1959 $100,000.00 each, numbered: 18920 L, 18921 A, 25809 K, 25810 L.

Total page 1	$1,600,000.00
Total page 2	1,900,000.00
Grand Total:	3,500,000.00

(pencil note) Dec. 6, 1946.

The above bonds received for deposit in C. A. No. 37764.

CHAS. E. STEWART,
Clerk.

By H. M. HULL,
Dep. Clerk.

[Filed Dec. 5, 1946. Charles E. Stewart, Clerk.]

CONSTITUTION OF THE INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, WASHINGTON, D. C.

Adopted at Cincinnati, Ohio, September 19, 1944

[Filed Dec. 5, 1946. Charles E. Stewart, Clerk]

CONSTITUTION OF INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, WASHINGTON, D. C.

Adopted at Cincinnati, Ohio on September 19, 1944, Effective October 1, 1944

PREAMBLE

There is no truth more obvious than that without coal there could not have been such marvelous social and industrial progress as marks present day civilization.

Believing that those whose lot it is to toil within the earth's recesses surrounded by peculiar dangers and deprived of sunlight and pure air, producing the commodity which makes possible the world's progress, are entitled to protection and an equitable share of the fruits of their labor, we have formed the "United Mine Workers of America" for the purpose of establishing, by lawful means, the principles embraced in the body of this Constitution.

CONSTITUTION

ARTICLE I

Name

This organization shall be known as the United Mine Workers of America. It shall be International in scope, and as an organization shall not be committed to or favor any particular religious creed; neither shall affiliation herewith interfere with the religious or political freedom of individual members.

ARTICLE II

Objects

First. To unite in one organization, regardless of creed, color or nationality, all workers eligible for membership employed in and around coal mines, coal washeries, coal processing plants, coke ovens, and in such other industries as may be designated and approved by the International Executive Board, on the American continent.

Second. To increase the wages, and improve the conditions of employment of our members by legislation, conciliation, joint agreements or strikes.

Third. To demand that not more than six hours from bank to bank in each twenty-four hours and not more than five days per week shall be worked by members of our organization.

Fourth. To strive for a minimum wage scale for all members of our union.

Fifth. To provide for the education of our children by lawfully prohibiting their employment until they have at least reached eighteen years of age.

Sixth. To secure equitable statutory old-age pensions, workmen's compensation and unemployment insurance laws.

Seventh. To enforce existing just laws and to secure the repeal of those which are unjust.

Eighth. To secure by legislative enactment, laws protecting the limbs, lives and health of our members; establishing our right to organize; prohibiting the use of deception to secure strike breakers; preventing the employment of privately armed guards during labor disputes; and such other legislation as will be beneficial to the members of our craft.

ARTICLE III

Jurisdiction

Section 1. The International Union shall be composed of workers eligible for membership in the United Mine Workers of America, and may be divided into Districts, Sub-Districts and Local Unions. The International Union shall have supreme legislative, executive and judicial authority over all members and subordinate branches, and shall be the ultimate tribunal to which all matters of importance to the welfare of the membership and subordinate branches shall be referred for adjustment. Between International Conventions the supreme executive and judicial powers of the International Union shall be vested in its Executive officers and Executive Board in accordance with and subject to the provisions of this Constitution.

Sec. 2. All Districts, Sub-Districts and Local Unions must be chartered by, and shall be under the jurisdiction of and subject to the laws of the International Union and rulings of the International Executive Board. Charters of Districts, Sub-Districts and Local Unions may be revoked by the International President, who shall have authority to create a provisional government for the subordinate branch whose charter has been revoked. This action of the International President shall be subject to review by the International Executive Board upon appeal by any officers deposed or any members affected thereby. Until such review is had and unless said order of revocation is set aside, all members, officers and branches within the territory affected by the order of revocation shall respect and conform to said order. An appeal may be had from the decision of the Executive Board upon such order of revocation, to the next International Convention.

Sec. 3. In all questions of dispute, appeals and grievances (unless restricted by joint agreement) the right of appeal of an individual member shall end with the District Executive Board, and the right of appeal of any branch of the organization shall end with the International Executive Board. This shall not prevent individuals whose membership is at stake from appealing to the International Executive Board, which body's decision shall be final and binding until reversed by the International Convention. When an appeal is taken, the defendants must be furnished a copy of the appeal in ample time to prepare their case. In all cases the decision of the subordinate tribunal must be complied with before the appellant's right of appeal shall be recognized. However, the appellant shall have the right of appeal, provided bond satisfactory to the court of appeal covering the amount of money involved is furnished.

Sec. 4. In all cases of appeals to or trial of charges by the International Executive Board, to insure a speedy hearing and promote the convenience of the parties and membership affected, the Executive Board, if in session, or the International President if the Executive Board be not in session, may at its or his discretion, designate a committee of the International Executive Board, who shall proceed to the locality or localities where a majority of the parties and witnesses are located and proceed to hear evidence upon such charges or appeal.

Said committee shall make a report of the evidence heard, together with its preliminary findings of facts thereon, which shall be submitted to the International Executive Board for action thereon. The parties to such appeal or charges shall have reasonable notice of the times and places of the hearings by such committee, and shall have the right to appear before and be heard by the International Executive Board at the time of its disposition of the case.

ARTICLE IV

Districts

SECTION 1. Districts may be formed with such numbers and territory as may be designated by the International Officers and may adopt such laws for their government as do not conflict with the laws or rulings of the International Union or Joint Agreements.

SEC. 2. The International Executive Board shall have authority to change the boundaries of Districts as conditions may require; but the boundaries of self-supporting Districts shall not be changed except by a vote of the membership affected, as determined by the District, the referendum to be taken by the officers of the District affected and representatives of the International Union. All Local Unions must pay all taxes and assessments due the District to which they were attached before the change of boundary was made.

ARTICLE V

Subdistricts

Subdistricts may be formed and assigned such numbers and territory as may be designated by the District of which they are a part, subject to the approval of the International Executive Board; and such Subdistricts may, after being duly chartered, adopt such laws for their government as do not conflict with the laws and rulings of the International or District Unions or joint agreements.

ARTICLE VI

Local Unions

SECTION 1. Local Unions may adopt such laws for their government as do not conflict with the laws or rulings of the International, District or Subdistrict Unions or Joint Agreements.

SEC. 2. Each Local Union shall have the right to penalize its own members, or (except as prohibited by Section 17 of Article XV) debar from membership any applicant for membership therein, but any member so penalized or any person so debarred shall have the right of appeal in consecutive order to the Subdistrict, District and International Unions, any one of which branches shall have authority to reverse the decision of the Local Union; and any Local Union debarring any applicant from membership shall give such applicant written reason for his debarment.

SEC. 3. If in the judgment of the officers of the International, District or Sub-District Unions, any Local Union has taken any action opposed to the interests of the United Mine Workers, the International Union or the District or Sub-District Unions having jurisdiction over the Local Union shall have the right to reverse the action of the Local Union.

SEC. 4. Should any Local Union be dissatisfied with the decision of any of the governing branches (unless prohibited by joint agreement) it shall have the right of appeal to the branch next in authority until a final decision is reached, as provided in Section 3 of Article III.

SEC. 5. Where it is decided that any branch of the Organization has done an injustice to any member, or applicant for membership, the branch responsible for the injustice must compensate such member or applicant for time lost and expense incurred while defending his rights, and any such defendant shall be restored to all former rights and privileges in the Organization.

ARTICLE VII

Officers

The officers of the International Union shall be one President, one Vice-President, one Secretary-Treasurer, three Tellers, three Auditors, and one Executive Board Member from each of the Districts over which the United Mine Workers has jurisdiction, the last named of which shall constitute the International Executive Board.

ARTICLE VIII

Qualification for office

SECTION 1. Any member in good standing in the Organization who is a citizen of the United States or Canada, or who has legally declared his intention of becoming a citizen of the United States or Canada, shall be eligible to hold office in the International Union if employed at our trade, or officially connected with the Organization or engaged as permitted by Section 2 of Article XXI and Section 1 of Article II, and has never been found guilty of misappropriating any of the Organization's funds, and has had five years' experience as a mine worker and has been a member for three consecutive years at the time of his nomination and election, and except as may be hereinafter provided.

SEC. 2. No two Auditors shall be elected from the same District. In the event of any two candidates for Auditor from the same District receiving a plurality of votes cast, the one receiving the lesser number shall drop out and the candidate from some other District receiving the next highest number of votes shall be declared elected. This rule shall also apply to the election of Tellers.

SEC. 3. No member shall hold two salaried offices in the International Union at the same time, neither shall any member hold a salaried office in any two branches of the Organization at the same time.

SEC. 4. Section 1 of this Article shall not prohibit newly organized districts from having representation on the International Executive Board.

ARTICLE IX

Duty of officers

SECTION 1. The President may preside over all International Conventions and Meetings of the International Executive Board and sign all bills and official documents when satisfied of their correctness.

SEC. 2. He shall fill by appointment all vacancies occurring in any International Office, except International Board Members, who shall be elected by the District in which the vacancy occurs.

SEC. 3. He may suspend or remove any International Officer or appointed employee for insubordination or just and sufficient cause.

SEC. 4. He may appoint a member whose duty shall be to collect and compile statistics on the production, distribution, and consumption of coal and coke, freight rates, market conditions, and any other matter that may be of benefit to the Organization. Said statistician shall make a report to the regular convention.

SEC. 5. He may appoint such organizers, field and office workers as may in his judgment be necessary to conduct the affairs of the International Union.

SEC. 6. He may visit in person or appoint an International Officer to visit any branch of the U. M. W. of A., or any other place, if in his judgment such visit will be of benefit to the U. M. W. of A.

SEC. 7. He shall interpret the meaning of the International Constitution but his interpretation shall be subject to repeal by the International Executive Board. Between sessions of the International Executive Board he shall have full power to direct the workings of the Organization and shall report his acts to the International Executive Board for its approval.

SEC. 8. He shall semi-annually name the pass word, transmit it to the International Secretary-Treasurer, who in turn shall transmit it to the various District Secretary-Treasurers for transmission to the Local Unions entitled to the same.

SEC. 9. He shall appoint from among properly elected delegates the committees necessary to transact the work of International Conventions, and instruct the Resolutions, Constitution, and Grievance Committees to meet at headquarters sufficiently early to enable them to be prepared to render at least a partial report on the first day the Convention convenes, but if a Convention is to consider charges regularly filed, against the President, the Grievance Committee shall be elected by the Convention.

SEC. 10. He shall appoint, subject to the approval of the International Executive Board, one or more competent Traveling Auditors, said appointees to be agreed upon by the Districts and International Union. Said Traveling Auditors shall examine the accounts of all Local Unions at least once every year and assist in establishing a uniform system of bookkeeping in the Local Unions. Should such audits develop any irregularities, those responsible for the same shall be penalized as hereinafter provided. The Traveling Auditors so appointed shall submit a correct report of their findings to the International, District and Sub-District officers, and shall also furnish a

copy of their report to the Local Unions where the accounts have been audited. This section shall not prevent proper International Officers from at any time examining the accounts and records of any Local Union.

SEC. 11. He shall be empowered to grant district or territorial dispensations relating to initiation fees, dues and assessments, when in his judgment such dispensations will add to the growth of or conserve the interests of the Organization.

SEC. 12. He shall devote all his time to the affairs of the Organization, executing the instructions of the International Executive Board and exercising general supervision over the field and office work of the International Union.

SEC. 13. All appointments, suspensions and removals from office done by the President shall be subject to the approval of the International Executive Board.

SEC. 14. The Vice President shall work under the instructions of the President and the International Executive Board, and in the event the presidency is vacated by resignation or removal from office, he shall succeed to that position.

SEC. 15. The Secretary-Treasurer shall have charge of and preserve all books, documents and effects of the International office except such records as properly belong to the office of the President. The Seal shall remain in the form and design heretofore used, containing the words "United Mine Workers of America. Organized January 25, 1890. One and Indissoluble." It shall be held by the Secretary-Treasurer in trust for the use of the membership in their organization affairs; and he shall prosecute any and all proceedings proper to prevent the wrongful use or imitation of the Seal or of the name of the Organization.

SEC. 16. He shall record, or cause to be recorded, the proceedings of all International Conventions and such meetings of the International Executive Board as the Board may desire recorded.

SEC. 17. He shall receive and receipt for all moneys due the International Union, pay all bills and current expenses, unless otherwise ordered by the President, and shall keep copies of all important correspondence sent out and received by his office.

SEC. 18. He shall submit to the Locals semi-annually a statement showing the salary and expenses of each officer and employe and detailing the receipt and disbursement of all money belonging to the International Union. The receipts from each District shall be compiled separately and totaled.

SEC. 19. He shall give a bond of $25,000 (which must be approved by the International Executive Board and deposited with the President) to insure a faithful discharge of his duties, but he shall not have subject to his order at any time more than such sums as may be designated by the International Executive Board as necessary to the efficient management of his office and the affairs of the Union.

SEC. 20. He must deposit all funds in excess of sums designated by the International Executive Board in banks, if any, giving interest-bearing certificates of deposit, subject to the order of the International Executive Board.

SEC. 21. He shall send out to all Local Unions a monthly "delinquent list," showing all Local Unions in bad standing with the International Union.

SEC. 22. He may, with the consent of the International Executive Board, employ such assistants as may be necessary to conduct the affairs of his office.

SEC. 23. He shall perform such other duties as are elsewhere herein provided and may be assigned him by the President or International Executive Board.

SEC. 24. The President, Vice President and Secretary-Treasurer shall prepare a joint report which shall be rendered to the regular International Convention.

SEC. 25. The International Executive Board shall execute the instructions of International Conventions and between Conventions shall have full power to direct the workings of the Organization.

SEC. 26. The Board shall hold in trust for the United Mine Workers of America all monies deposited by the Secretary-Treasurer in the name of the Executive Board, but under no circumstances shall said money be drawn upon except upon the written order of two-thirds of the members of the Board. Real estate owned or acquired by the International Union, or reverting to it under the provisions of this Constitution, shall be held in the name of the International President Vice President and Secretary-Treasurer, and their successors in office, as trustees for the United Mine Workers of America.

SEC. 27. The Board shall have power between Conventions, by a two-thirds vote, to recommend the calling of a general strike, but under no circumstances shall it call such a strike until approved by a referendum vote of the members.

SEC. 28. Questions coming before the Board may be decided by a unit vote of its members, but any member may demand a roll call vote on any question, and each member shall have one vote, and one additional vote for each 2,000 members, or majority fraction thereof, in good standing, he represents. Where a unit vote is taken the three resident officers shall be entitled to vote. Where a roll call vote is taken they shall not have that right unless a tie vote is cast; then the President shall cast the deciding vote.

SEC. 29. The President, Vice President, and Secretary-Treaurer shall be members of the Board by virtue of their positions.

SEC. 30. The Board shall be convened upon the order of the President, or by the Secretary-Treasurer, at the request of a majority of the members thereof.

SEC. 31. When the Board is not in session, the individual members thereof shall be subject to the direction of the President.

SEC. 32. The Auditors shall audit the books and accounts of the International Secretary-Treasurer semiannually and make a report of the receipts and disbursements of his office, and the Secretary-Treasurer shall have their report printed and a copy sent to each Local Union.

SEC. 33. The auditors shall also act as the Credential Committee for International Conventions and shall meet at headquarters in sufficient time to enable them to make complete, printed reports in the morning

of the first day's session of the Convention, of their audit and of all delegates entitled to seats in the Convention, said reports being printed in sufficient numbers to furnish each delegate with copies.

SEC. 34. The names of delegates whose seats are in contest shall be withheld from the Committee's report until the contest is decided.

SEC. 35. The Tellers shall meet at headquarters and tabulate, in accordance with the provisions of this Constitution, the votes cast for International Officers by Local Unions that have complied with the valid laws of all branches of the Organization.

The Tellers shall also meet at headquarters and open and tabulate the nomination returns and file their report with the Secretary-Treasurer so that he may send out notifications, as required by Section 6, Article XI. In arranging the ballot, the Secretary-Treasurer shall place the names of the different candidates on the ballot in graduated order, in accordance with the number of nominations received.

SEC. 36. The votes of each District shall be tabulated separately and consecutively, and the votes of each Local Union within each District shall be tabulated separately and consecutively, the entire totals given and the complete report printed and sent out to the Local Unions by the International Tellers not later than January 15th of each election year.

SEC. 37. The Tellers shall decide the legality of the vote of any Local Union and their report submitted to the Local Unions shall be an official announcement of the election to the respective offices of the candidates receiving a plurality of legal votes as shown on the report, but should they for any reason refuse to tabulate the vote of any Local, their reason must in every instance be shown on their report submitted to the Local Unions, and all contests growing out of the report shall be filed with the International Executive Board, which body shall have authority to decide the contest.

SEC. 38. The President, Vice President, and Secretary-Treasurer shall have their report prepared, printed, and ready for distribution on the first day the Convention convenes.

ARTICLE X

Officers' salaries

SECTION 1. The salary of the President shall be $25,000 per annum; Vice-President, $18,000 per annum; Secretary-Treasurer, $18,000 per annum; Editor of the Official Journal, $7,000 per annum; International Executive Board Members, $500 per month; Tellers and Auditors, $12.50 per day when employed. Each of the above-mentioned officers and editor shall receive, in addition to their salaries, such additional sums for additional service rendered as may be authorized and approved by the President; together with all legitimate expenses when employed by the Organization away from their places of residence.

SEC. 2. The salaries of other employees shall be fixed by the International Executive Board.

ARTICLE XI

Nomination and election of officers

SECTION 1. The President, Vice-President, Secretary-Treasurer, Auditors and Tellers shall be elected by a referendum vote of the members, except as elsewhere herein provided, the candidates for the respective positions receiving a plurality of legal votes cast shall be declared elected, except as restricted by Sections 1 and 2 of Article VIII.

SEC. 2. The next election of the International Officers shall be held on the second Tuesday in December 1944, and every four years thereafter; and the officers elected shall assume their duties beginning April 1st, following their election, and shall serve for a term of four years thereafter.

NOTE.—District officers, when elected, shall serve for a term of four years following their election.

SEC. 3. All members in good standing in all branches of the Organization for at least three months prior to and including December 1st of each election year shall be entitled to vote.

SEC. 4. Each District and Sub-District Secretary-Treasurer must forward by registered mail to the International Tellers, care of the International Secretary-Treasurer, not later than December 15th of each election year, a statement giving the numbers of all Local Unions in bad standing with their respective branches, also giving the reason for the Locals being in such status. If it is claimed a violation of a District or Sub-District Constitution is responsible for the Local's delinquency, the section alleged to have been violated must be quoted in the statement to the Tellers. In the event the Tellers do not receive such a statement, they shall assume the Locals are in good standing with their District and Sub-District Organizations.

SEC. 5. The International Secretary-Treasurer shall prepare nomination blanks and send them to the Local Unions not later than twenty weeks before the date of election and the Local Recording Secretary shall fill in the names of the members nominated by the Local Union for the various offices and forward the same to reach the International Secretary-Treasurer's office not later than fifteen weeks before the date of election.

SEC. 6. The International Secretary-Treasurer shall within ten days thereafter notify all members who have been nominated and ask if they are candidates, but no person shall be notified or be a candidate who has not been nominated by five or more Local Unions.

SEC. 7. Any nominee notified in accordance with Section 6 of this Article who desires to become a candidate must have his official notice attested by the officers of his Local Union and return said notice to the International Secretary-Treasurer at once.

SEC. 8. No nominee filing his acceptance with the International Secretary-Treasurer shall be allowed to withdraw his name.

SEC. 9. The International Secretary-Treasurer shall prepare ballots giving the names and places of residence of those accepting nominations, also showing the positions for which the various nominees are candidates, and forward them to the Local Unions in sufficient num-

bers to supply each member not later than four weeks prior to the date of election. Two "Tally Sheets," one "Return Sheet," and one envelope for "Return Sheet" must accompany the ballot sent each Local Union.

SEC. 10. Local Recording Secretaries must notify their members by posting notices and otherwise, one week prior to the dates set for the nomination and election of International Officers.

SEC. 11. Each Local Union shall designate, at a regular meeting of the Local, where its election shall be held, and the place so designated shall be the official voting place of such Local Union, and under no circumstances shall the votes of any Local be tabulated in any place other than the place designated by the Local Union, and no member shall be allowed to interfere with the official Tellers during the tabulation.

SEC. 12. No member shall be allowed more than one vote for any candidate, nor shall the Local Tellers record the vote of any member who is not present at the time the election is held, except Officers, Organizers and Workers in the field away from home, whose votes shall be recorded if sent to the Secretaries of their respective Local Unions.

SEC. 13. Each Local Union shall elect from among its members a committee of not less than three nor more than six, three of whom must be the Local President, Financial and Recording Secretaries, to act as Local Tellers, whose duty shall be to supervise the election, and when requested, instruct the members how to vote, and tabulate the votes cast by the members for International Offices, and enter on the "Return Sheet" furnished by the International Secretary-Treasurer for that purpose the total number of votes cast for each candidate. The correctness of the "Return Sheet" must be attested with the Local seal and signatures of the President and Recording Secretary of the Local Union.

SEC. 14. Should it be proven that more votes are recorded on the "Return Sheet" than were actually cast by the members, the entire vote of the Local Union shall be thrown out by the International Tellers, and those responsible for the fraud shall be punished as hereinafter provided.

SEC. 15. After the votes have been tabulated and the "Return Sheet" attested, it shall be turned over to the Recording Secretary, whose duty it shall be to see that the "Return Sheet" is properly attested, enclosed in a special envelope furnished by the International Secretary-Treasurer for that purpose, and forwarded at once by registered mail to the International Secretary-Treasurer's office. "Return Sheets" reaching International Headquarters after January 1st shall not be tabulated by the International Tellers.

SEC. 16. The envelopes for "Return Sheets" furnished the Local Unions must have the name and address of the International Secretary-Treasurer, and the following printed thereon:

Election Returns
From L. U. No. _____
District No. _____

It shall be the duty of the Local Recording Secretary to insert the numbers of the Local Union and District in the blank spaces on the envelope.

SEC. 17. When the "Return Sheets" reach the International Secretary-Treasurer's office, he shall examine the envelopes to see if they are intact, make a proper record of their receipt, and deposit them unopened in a securely locked receptacle provided for that purpose.

SEC. 18. Before turning the "Return Sheets" over to the International Tellers, the Secretary-Treasurer, with the Tellers, must check them with the record made upon their receipt, and the Secretary-Treasurer shall take the Tellers' receipt for all "Return Sheets" turned over to them.

SEC. 19. The International Secretary-Treasurer shall be absolute custodian of the "Return Sheets" from the time they reach his office until turned over to the International Tellers and during the interims of tabulation.

SEC. 20. No member who is not a regular attendant of the meetings of his Local Union shall be allowed to act as a Local Teller of International elections.

Note: The term "regular attendant" shall mean a member who attends at least one-half of the meetings of his Local Union each month for six months just previous to the nomination.

SEC. 21. The International Tellers shall not count the votes of any Local Union that has cast more votes than the number of members such Local paid per capita tax on to the National Union for the month preceding the one in which the election is held unless a satisfactory explanation for so doing accompanies the "Return Sheet" of the Local Union so voting. Neither shall they count the votes of any Local Union that is not in good standing with all branches of the Organization or whose "Return Sheet" is not attested as required by Section 13 of this Article.

SEC. 22. All contests in connection with the vote of any Local Union must be filed with the International Tellers not later than ten days after the date of election, by some responsible and reputable member of the Local Union whose vote is contested.

SEC. 23. In case no plurality vote is cast for any of the candidates for some office, another election shall be held for that particular office.

SEC. 24. Local Officers of all Local Unions shall be required to carefully preserve all ballots which have been cast for International Officers by their respective Local Unions for a period of six months after the date of election.

SEC. 25. No member other than the Local Tellers shall be allowed to loiter around the voting place or to interfere in any way with the election of any Local Union.

SEC. 26. Local Tellers shall be held personally responsible for any irregularities that may take place in their Local Unions during the election of International Officers.

SEC. 27. That portion of Section 6 which requires candidates to have at least five nominations shall not apply to International Board Members.

SEC. 28. Any Local Officer or Teller failing to obey the laws regulating International elections, or any member or members interfering

with Local Officers or Tellers during the discharge of their duties in connection with International elections, or any member or members resorting to dishonest or questionable practices to secure the election or defeat of any candidate for International office shall be tried by the International Executive Board and fined, suspended, or expelled, as the magnitude of the transgression may warrant.

SEC. 29. Upon the signed request of 5 percent of the entire membership, the Secretary-Treasurer shall send out a petition to each Local Union for the recall of any International Officer guilty of malfeasance. Said petition to accompany charges for which a recall is asked and defense of those charged.

If within thirty days after the petition is sent out 30 percent of the entire membership send a signed request to the Secretary-Treasurer, the International Executive Board shall call an election for the recall of any International Officer so charged.

Said election to be held in accordance with the election laws of the International Union.

SEC. 30. It shall be the imperative duty of the election tellers to make a complete report of the election at the first meeting of their Local Union following the election, and it shall be further the duty of the recording secretary to make a complete record of same in the minutes of said meetings. Tellers or secretaries failing to comply with this section shall, upon conviction, be removed from office.

ARTICLE XII

Conventions

SECTION 1. The next International Scale and Policy Convention shall be held on the first Tuesday in October, 1946, and the next International Constitutional Convention shall be held on the first Tuesday in October, 1948, at such places as may be determined by the next preceding Convention; provided, however, that the dates and places of holding such Conventions may, upon good cause, be advanced, postponed, or changed by resolution to that effect duly adopted by the International Executive Board.

SEC. 2. Representatives to the International Convention shall be elected directly from Local Unions they represent, and shall have one vote for one hundred members or less, and one additional vote for each one hundred members or majority fraction thereof, but no delegate shall have more than five votes.

SEC. 3. Representation shall be based upon the average membership of the Local for the last three months upon which payment has been made, previous to the month in which the Convention is held.

SEC. 4. Local Unions organized one year prior to the date for holding the Convention and having one hundred members or more in good standing, must be represented in the Convention or pay to the International Secretary-Treasurer a fine of $25.00 for each one hundred members in good standing in the Local Union, unless exonerated by the International Executive Board. This section shall not apply to Local Unions whose members have been idle for one month or more prior to the Convention on account of strikes, suspensions, or closing of mines.

SEC. 5. Local Unions of less than one hundred members may combine with similar Local Unions within a reasonable radius of one another in the same District, and elect delegates to represent them, but no delegates so elected shall be entitled to more than five votes in the Convention.

SEC. 6. No Local Union shall be entitled to representation that is in arrears for per capita tax or assessment for two months preceding the month in which the Convention is held and which has not in every particular complied with the constitutions of the International Union and of the District and Sub-District to which it is attached.

SEC. 7. Any Local Union becoming delinquent must comply with Section 18 of Article XIV and be in good standing for four months previous to the month in which the Convention is held, before it will be entitled to representation.

SEC. 8. All newly organized Locals must be organized at least three months and have two months' per capita tax and all assessments paid prior to the month in which the Convention is held, before they will be entitled to representation, unless said new Locals are composed of members from old Locals in good standing at the time the new Local was organized. The fact that a new Local is composed of old members must be attested by the District Secretary.

SEC. 9. No person who is not a bona fide member of a Local Union employed in or around a coal mine, coal washery, coal processing plant or coke oven, or such other industries as may be designated and approved by the International Executive Board, or by the Organization, or who is not a regular attendant of the meetings of his Local Union shall be eligible to act as a delegate. This section shall not apply to International, District or Sub-District Officers.

Note: The term "regular attendant" shall mean a member who attends at least one-half of the meetings of his Local Union each month for six months just previous to the nomination of delegates. If transferred members can show they attended the required number of meetings of the Local Union from which they transfer, Section 9 will not prevent their representing the Local Union to which they transfer.

SEC. 10. No appointed employee of the Organization shall be a delegate from any Local Union other than his own.

SEC. 11. Any member accepting a position other than that of a mine worker shall not be eligible to act as a delegate to any Sub-District, District or International Convention, while holding such position, but accepting a position with the United Mine Workers or any other affiliated Organization shall not be construed as making a member ineligible to act as such.

SEC. 12. The International Secretary-Treasurer shall furnish the Local Unions with credential blanks in duplicate, which must be attested as required on the blanks. The duplicate shall be retained by the delegate and the original forwarded to the International Secretary-Treasurer, and no credentials shall be accepted later than fifteen days prior to the date for convening the Convention.

SEC. 13. The Credential Committee shall not transfer votes to any delegate unless authorized by the Local Union to do so.

SEC. 14. Delegates to International Conventions must be elected at official meetings of Local Unions after the call for the Convention

is received and has been read to the Local Union. The Local Recording Secretary shall post notices, signed by himself and the Local President, at the mine at least three days prior to such meetings, stating that delegates are to be elected on a certain day. Delegates must receive a majority vote of the members present at such meeting, and no meeting other than the one first advertised and called in accordance herewith shall be recognized as an official meeting for the election of delegates.

SEC. 15. Local Officers failing to read the call for a Convention to their Local Union and to post notices in accordance with Section 14 of this Article, shall upon conviction be removed from office, and shall not thereafter be allowed to hold office in the Organization for a period of two years.

SEC. 16. When any delegate's credential is to be contested notice of such contest shall be sent to the International Secretary-Treasurer not later than ten days prior to the date for convening the Convention; but any delegate whose credential is contested may be unseated at any time during the Convention.

SEC. 17. All resolutions, grievances and constitutional amendments to be considered by the Convention, shall be sent to the International Secretary-Treasurer not less than ten days prior to the date set for the Convention, who will sort and distribute them among the chairmen of the various and proper committees.

SEC. 18. Resolutions bearing on different subjects should be written on separate papers.

SEC. 19. International Conventions shall not consider internal appeals or grievances unless they have been previously considered by the lower tribunals of the Organization.

SEC. 20. The International Organization shall pay the transportation of delegates to and from International Conventions on the following basis: Local Unions of from ten to five hundred members shall be entitled to transportation for one delegate and one additional delegate for each additional five hundred members or fraction thereof, provided such fraction is not less than fifty-one members. Where Local Unions combine, as provided in Section 5, they shall be entitled to transportation for one delegate for each five hundred members or fraction thereof, provided such fraction is not less than fifty-one members. Where railroad certificates cannot be secured by delegates, they shall furnish receipts for fare paid.

SEC. 21. On questions coming before the Convention a roll call vote shall be taken upon a request of thirty (30) percent of the delegates. The Secretary-Treasurer shall have a roll of accredited delegates prepared and make such other arrangements as will expedite and facilitate the calling of the roll.

ARTICLE XIII

Special conventions

SECTION 1. Special International Conventions shall be called by the President when so instructed by the International Executive Board, or upon the request of five or more Districts.

SEC. 2. Representation in and transportation to and from Special Conventions shall be upon the same basis as govern regular Conventions.

SEC. 3. Districts demanding a Special Convention must state the reason or reasons why such Convention is desired, and it shall be the duty of the President to state said reason or reasons in the Call for the Convention.

SEC. 4. Special Conventions shall not have authority to consider any matter other than that which is specifically stated in the Call for the Convention.

ARTICLE XIV

Local unions, how formed and governed

SECTION 1. Local Unions shall be composed of ten or more workers, skilled and unskilled, working in or around coal mines, coal washeries, coal processing plants, coke ovens, or in other industries designated and approved by the International Executive Board, but seven members shall be a quorum for a Local Union.

SEC. 2. No applicant for membership in the United Mine Workers of America shall be regarded as being a member in good standing until the full amount of his initiation fee has been paid or a check-off order authorizing the collection of the same has been filed in or through the Local Union where application for membership is made, and the obligation has been administered, except in case the applicant has religious scruples against taking the obligation. In such case the obligation shall be waived, providing the applicant gives notice of his objections to taking the obligation at the time his application for membership is filed. In all cases applicants for membership must pay dues and assessments for the month during which they start to work.

Operators' commissioners, persons engaged in the sale of intoxicating liquors and members of the Civic Federation shall not be eligible for membership. The International Executive Board may, in its discretion, provide rules and regulations upon which supervisory and other employees may be admitted to membership.

Any member accepting membership in the Industrial Workers of the World, the Working Class Union, the One Big Union, or any other dual organization, or membership in the National Chamber of Commerce, or the Ku Klux Klan, or the Communist Party, or Fascist, Nazi or Bund organizations, shall be expelled from the United Mine Workers of America, and is permanently debarred from holding office in the United Mine Workers of America, and no members of any such organization shall be permitted to have membership in our Union unless they forfeit their membership in the dual organization immediately upon securing membership in the United Mine Workers of America. Any member of the United Mine Workers of America who accepts office in any dual organization shall be permanently expelled from the United Mine Workers of America, unless reinstated by the International Executive Board.

SEC. 3. No mine shall be under the jurisdiction of more than one Local Union; neither shall separate Locals be established for coal

washers or coke oven employees, unless there is no Local Union having jurisdiction over some adjacent coal mine to which they can belong. All members must immediately transfer to the Local Union having jurisdiction over the mine at which they are employed. The Local Union having jurisdiction over the mine at which a member is employed shall be responsible for the payment of sick, accident and death benefit claims.

SEC. 4. The charter fee for Local Unions organized by salaried officers or organizers of the International, District, or Subdistrict Unions shall be $20, which shall entitle the Local organized to one charter, one press seal, one ledger, one record book, one book of orders on treasury, one Treasurer's receipt book, fifty International Constitutions, fifty due cards, one manual, one gavel, one copy of the proceedings of the last International Convention and such other documents as the International Secretary-Treasurer may desire to send them.

SEC. 5. The charter fee for Local Unions organized by Local organizers shall be $27, $7 of which may be retained by the Local Organizer and the remaining $20 of which must be sent to the International Secretary-Treasurer.

SEC. 6. When a Local Union is organized the Organizer must send a report and the charter fee to the International Secretary-Treasurer within 1 week or show valid cause for the delay.

SEC. 7. Unless a dispensation has been granted in accordance with Section 11 of Article IX, the initiation fee for practical miners shall be $10; inexperienced miners and top and bottom men shall be subject to the laws of the District where application for membership is made, but no applicant shall be eligible for initiation until he has started to work at a mine under the jurisdiction of the Local Union where application for membership is made.

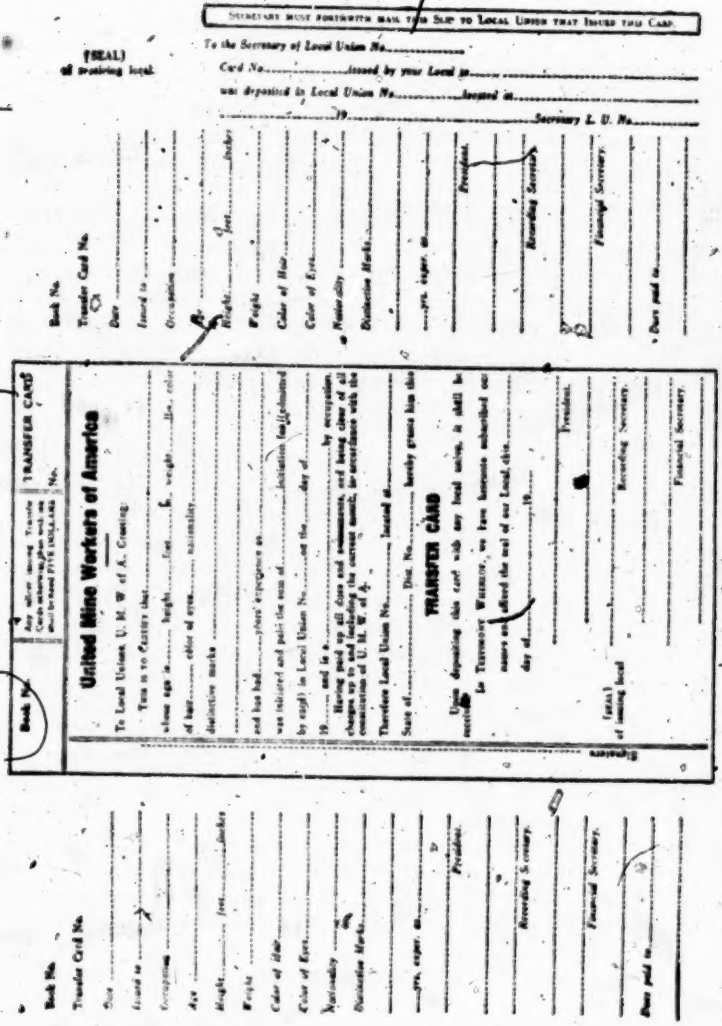
Applicants for membership must pay the full amount of the initiation fee into the Local where application is first made; the full amount to be paid within 3 months or the first payment shall be forfeited.

SEC. 8. Members' sons between 16 and 21 years of age shall be admitted free of charge.

SEC. 9. Any member wishing to attend school as a pupil shall be granted leave of absence by his Local Union, and on returning to work in the mine shall be admitted to membership without the payment of initiation fee.

SEC. 10. Any member going to work in a nonunion mine shall forfeit his membership and can be reinstated only by complying with the laws relating to such offense in the District where said offense is committed, unless such work is done with the consent of the President of the District where the nonunion mine is located.

SEC. 11. Any member becoming 3 months in arrears for dues or assessments, unless officially exonerated from the payment of same, shall forfeit his membership and can be reinstated only by paying an initiation fee and such other penalties as may be imposed by the District in which application for membership is made.


SECRETARY MUST FORTHWITH MAIL THIS SLIP TO LOCAL UNION THAT ISSUED THIS CARD.

To the Secretary of Local Union No.....

Card No.....issued by your Local in.....

was deposited in Local Union No.....located at.....

.....19.....Secretary L. U. No.....

(SEAL) of issuing local

Book No.

Transfer Card No.

Date.....

Issued to.....

Occupation.....

Age.....

Height.....feet.....inches

Weight.....

Color of Hair.....

Color of Eyes.....

Nationality.....

Distinctive Marks.....

.....yrs. expire on.....

President.

Recording Secretary.

Financial Secretary.

Dues paid to.....

TRANSFER CARD

No.

United Mine Workers of America

To Local Union, U. M. W. of A. Greeting:

This is to Certify that.....

whose age is.....height.....feet.....inches, weight.....lbs., color of hair.....color of eyes.....nationality.....

distinctive marks.....

and has had.....years experience as.....

was initiated and paid the sum of.....initiation fee, (supplemented by.....) in Local Union No.....on the.....day of.....

19.... and is a.....by occupation.

Having paid up all dues and assessments, and being clear of all indebtedness to the said Local Union, the undersigned, in accordance with the constitution of U. M. W. of A.

Therefore Local Union No.....located at.....

State of.....Dist. No.....hereby grants him this

TRANSFER CARD

Upon depositing this card with any local union, it shall be receipted by the Treasurer thereof, who will have hereunto subscribed our names and affixed the seal of our Local this.....day of.....19....

President.

Recording Secretary.

(SEAL) of issuing local

Financial Secretary.

(SEAL)

Signatures

Book No.

Transfer Card No.

Date.....

Issued to.....

Occupation.....

Age.....

Height.....feet.....inches

Weight.....

Color of Hair.....

Color of Eyes.....

Nationality.....

Distinctive Marks.....

.....yrs. expire on.....

President.

Recording Secretary.

Financial Secretary.

Dues paid to.....

FAC-SIMILE TRANSFER CARD.

Section 8, of Article XV, shall be printed on back of each Transfer Card.
The paper shall be of pink bond.
The seal of the International Union shall be printed on face with blue ink.

SEC. 12. The Local dues to be paid by each member, shall not be less than one dollar and fifty cents per month, together with such assessments as may be levied by the different branches of the Organization.

SEC. 13. Every Local Union shall pay direct or cause to be paid to the International Secretary-Treasurer a per capita tax of 90¢ per month per member and such additional assessments as may be levied by an International Convention or referendum vote of the members, payment of per capita tax to be based upon the amount of dues collected each month by the Local Union.

SEC. 14. Boys under eighteen years of age and decrepit or disabled members shall be known as half members and shall pay only half as much tax and assessment as full members.

SEC. 15. The Local Financial Secretary shall fill out and forward to the International and District Secretaries on or before the 25th of

each month, a report of all members in good standing in the Local Union the previous month, together with all tax and assessment due the International and District Organizations for the previous month.

SEC. 16. In filling out the monthly reports, the Local Financial Secretary must report to the International Secretary, on blanks furnished for that purpose, the amount of money paid and the number of members reported to the District, and to the District Secretary, the amount of money paid and the number of members reported to the International, and must sign a certificate showing the report is for the full number of members in good standing in the Local.

SEC. 17. When a Local Union has failed to report and pay as provided in Sections 15 and 16, by the end of the month, the International Secretary-Treasurer shall notify the Local President and Recording Secretary of the fact and failing to receive a satisfactory response within ten days thereafter, shall suspend the Local from membership and any Local so suspended shall be published on the delinquent list.

SEC. 18. Local Unions placed on the delinquent list shall not be reinstated until they have paid all arrearages and a fine of $2.00 for each one hundred members, or fraction thereof, in the Local Union.

SEC. 19. Should it be proven that any Local Financial Secretary has failed to report monthly the full membership of his Local to the International and District Secretaries and to send in the full amount of per capita tax on the same number of members that has paid dues to the Local Union, together with the full amount of assessment due the International and District Unions, the Local Union shall be suspended from all privileges and benefits until the deficiency is made good, and the officer responsible for such failure shall not be allowed to again hold office in the Organization for a period of two years.

SEC. 20. The word "member," as it appears in Section 13 of this Article, shall include all persons from whom dues are collected, whether they have taken the obligation or not.

SEC. 21. When a mine is abandoned indefinitely and all the members of the Local Union having jurisdiction over it have gone to work elsewhere, the Local Recording Secretary must notify the District Secretary of the fact and the District Secretary must make application to the International Secretary-Treasurer for exoneration for the Local Union for each month the mine is idle.

SEC. 22. In all cases, except as provided in Section 21, where Local Unions desire exoneration from the payment of per capita tax or assessments, the request for exoneration must be signed individually by the Local President and the Financial and Recording Secretaries, but no Local shall be exonerated until the request is approved by the District and International Secretaries.

SEC. 23. No Local Union shall be exonerated from the payment of per capita tax or assessments when the members have worked five days or more during said month; and it is understood that individual members of the Local Union who have not worked five days in any one month may be exonerated from the payment of dues and assessments by the Local Unions of which they are members, provided that such members are idle through no fault of their own. All individual members so exonerated must be reported to the International and

District organizations on the report required by Sections 15 and 16 of this Article.

SEC. 24. When exoneration is granted, the request must be renewed each month and shall be a legal substitute for the report required by Section 15 of this Article.

SEC. 25. No Local Union shall be allowed, for any reason or purpose, to divide its funds among its members or make donations to strikes unless said strikes have been endorsed by the Organization. Any Local using its funds for other than legitimate purposes shall be fined double the amount so used, the fine to be collected by the District and turned over to the International Secretary-Treasurer.

Any member receiving money from a Local Union for other than a legitimate purpose shall be suspended until double the amount received is returned. It shall be illegal to contribute funds for the promotion of the candidacy of any candidate for office within the Organization.

SEC. 26. If any mine or colliery is permanently abandoned, or should any Local Union for any cause disband, or should its charter be revoked, the charter and all monies, supplies and property, including real estate belonging thereto, shall be taken over by the International Union; provided, that any remaining members of such Local Union in good standing shall be given transfer cards.

SEC. 27. All Local Unions must contribute to and comply with the valid laws of Sub-Districts, where such are organized.

SEC. 28. All Local Unions shall set aside one meeting each month for the discussion of agreements and constitutions.

SEC. 29. Local Union supplies shall be furnished by the International Union for such prices as may be determined by the International Executive Board.

SEC. 30. Local Financial Secretaries shall, upon request, furnish each member with a Due Card with the amount of dues and assessments paid recorded thereon, which shall be the member's receipt for same.

SEC. 31. All Local Officers shall be elected the last meeting in June every alternate year by a majority vote of the members present, and shall serve for a period of two years, or until their successors are elected and qualified.

SEC. 32. The date of Local elections for Local Officers, Mine Committeemen and Checkweighmen must be generally advertised among the members. The Local Recording Secretary shall post notices at least one week previous to the date of election.

SEC. 33. No person shall be eligible to act as a Local officer or mine committeeman who has not been a member of the Local Union represented at least six months, or is not employed in or around a coal mine, coal washeries, or coke ovens, and in such other industries as may be designated and approved by the International Executive Board, or by the Organization, or who is not a regular attendant at the meetings of his Local Union.

NOTE.—The term "regular attendant" shall mean a member who attends at least one-half of the meetings of his Local Union each month for six months just previous to the nomination of officers.

SEC. 34. No person shall hold two offices in a Local Union at the same time. This section shall not apply to Mine Committeemen or Checkweighmen.

SEC. 35. Only members who contribute to the support of Checkweighmen shall have a right to vote for their election.

SEC. 36. Checkweighmen must be members of the United Mine Workers of America six months previous to their election and shall keep a record of all men employed in and around the mine and perform such other duties as may be assigned them by the men who employ them. This section shall not apply to newly organized Locals.

SEC. 37. All Local Officers entrusted with the finances of the Organization must give bond to insure a faithful performance of their duty; the bond to be secured and the amount thereof to be determined by the District Organization.

Any Local Union refusing to bond its officers as required herein shall be placed on the delinquent list.

SEC. 38. The Local seal shall remain in the custody of the Local Recording Secretary and that officer shall be responsible for any misuse of the same.

SEC. 39. It shall be the duty of every member to see that his Local Union is in good standing at all times, and any member failing to report to the International Office any delinquency on the part of his Local Union must suffer any penalty applied to the Local Union for such delinquency.

SEC. 40. All Local Unions shall subscribe annually for one copy of the official Journal, and Recording Secretaries must examine every issue and read all official circulars therein to the members of their Local Unions.

SEC. 41. Local Unions shall appoint label committees, who shall act, according to the directions of the Local in authority, in encouraging the purchase of goods bearing the Union label.

ARTICLE XV

Transfer cards

SECTION 1. All Transfer Cards must be purchased from the International Secretary-Treasurer, who shall send out a monthly statement to the Local Unions and Traveling Auditors, showing the number of Transfer Card Books sold and giving the number of each book and the number of the Local Union purchasing the same. All Transfer Cards must be purchased by the Local Recording Secretary, who must make an entry on his minute book showing the serial number of the book of Transfer Cards received.

SEC. 2. The form of Transfer Card in present use shall be continued as the official Transfer Card of the United Mine Workers of America. (See facsimile in center of book.)

SEC. 3. The Transfer Card must show that the member receiving it has paid all obligations up to and including the month in which it was issued, also at what class of labor he was employed.

SEC. 4. No Local Union placed on the delinquent list or which is in bad standing with any branch of the Organization, shall have author-

ity to issue Transfer Cards until it has been reinstated to good standing.

SEC. 5. Local Officers must examine the monthly "Delinquent Statement" sent out by the International Secretary-Treasurer and shall not receive any Transfer Card issued by any Local Union appearing thereon.

SEC. 6. The International President shall have authority to restrain for reason, or to grant any District the authority to restrain, for reason, any Local Union from issuing Transfer Cards, and Local Unions receiving official notice that any Local Union has been so restrained shall not receive any Transfer Card issued by such Local.

SEC. 7. Transfer Cards issued in violation of Sections 3, 4 and 6 of this Article, will be invalid, and Local Officers responsible for their issuance shall be fined $10.00 for each card so issued and permanently removed from office; or any Local Officer accepting a Transfer Card in violation of Sections 5 and 6 of this Article shall be fined $10.00 for each card so accepted and permanently removed from office by the International Executive Board; and any Local Union refusing to enforce the above penalties when applied shall be placed on the delinquent list and can be reinstated only in accordance with Section 18 of Article XIV.

SEC. 8. When a person who has not been a member of the Organization three months or more secures a Transfer Card from a Local Union in a District where a dispensation has been granted, said Transfer Card shall not be accepted by any Local in a different District unless the holder agrees to pay the difference between the initiation fee already paid and the initiation fee of the District where he desires to deposit his card.

SEC. 9. Any member depositing a Transfer Card must pay all arrearages due on the card or sign a check-off order for the arrearage when the card is deposited, and shall be subject to the laws of the District having jurisdiction over the Local Union in which the card is deposited, but no District shall have authority to enact laws prohibiting the acceptance of valid Transfer Cards.

SEC. 10. Any Transfer Card that is lapsed for a period of three months shall be invalid and shall not admit the holder to membership in any Local Union.

SEC. 11. Any member withdrawing his Transfer Card from a Local shall be known as a member of the Local issuing the card until it is deposited with some other Local or until the card is lapsed, except as provided in Section 3 of Article XIV.

SEC. 12. No member holding a Transfer Card shall be entitled to strike benefits (where such are paid) from the Local Union issuing the card, until such card has been redeposited with said Local, and then only from the date on which the card was redeposited.

SEC. 13. Due cards shall not admit any member to membership from one Local to another. Such transfer must be made by Transfer Card, and any member in good standing shall be entitled to a Transfer Card from his Local Union upon request, except as restricted by Sections 4 and 6 of this Article. When a Local Union is disbanded the Local Officers shall prepare a Transfer Card for every member entitled to the same, and any card that is unclaimed when the charter and supplies are taken over by the District Organization shall be

sent to the District Secretary, to be held until claimed by its rightful owner, or until the Transfer Card is lapsed.

SEC. 14. To protect the membership of members residing where no Local Union is established, the International, District or Sub-District Secretaries shall upon presentation accept Transfer Cards and dues and assessments from such members, but no such Secretary shall accept Transfer Cards, dues or assessments from members having access to a Local Union.

SEC. 15. The Local Financial and Recording Secretaries shall keep a record of all Transfer Cards issued and received, for inspection by the Local and Traveling Auditors. Local Union Secretaries failing to forthwith mail stubs attached to Transfer Cards to Local Unions issuing the cards shall be fined Five Dollars.

SEC. 16. Any member of the Organization found guilty of trafficking in or abusing the use of Transfer Cards shall, when possible, be prosecuted in the civil courts by the District Organization and shall in every instance be permanently expelled by the International Executive Board.

SEC. 17. No legal holder of a valid Transfer Card, who has complied with Sections 8 and 9 of this Article, shall for any reason be debarred from membership in any Local Union or hindered from securing employment in any mine under the jurisdiction of the United Mine Workers of America. Violations of this clause shall be prosecuted under Section 2 of Article VI.

SEC. 18. Transfer Cards issued by Local Unions of District 50 and the International Mining Congress and Miners' Unions in Australia and New Zealand shall be accepted by the United Mine Workers, provided such cards show that the holders thereof are practical miners and have been dues-paying members of the organizations mentioned for at least six months just previous to the time such cards are deposited with the United Mine Workers of America, and shall be subject to the same provisions governing the acceptance of United Mine Workers' cards.

ARTICLE XVI

Strikes

SEC. 1. No District shall be permitted to engage in a strike involving all or a major portion of its members, without the sanction of an International Convention or the International Executive Board.

SEC. 2 Districts may order local strikes within their respective Districts on their own responsibility, but where local strikes are to be financed by the International Union, they must be sanctioned by the International Executive Board.

SEC. 3. Strikes shall not be called in any unorganized field without the sanction of an International Convention or the International Executive Board, and no financial aid shall be furnished by the International Union for the support of any strike until after the strike has been in effect four weeks, unless otherwise decided by the International Executive Board.

SEC. 4. The International Executive Board shall decide the conditions upon which strikes may be financed by the International Union; determine the amount of relief to be paid per member involved, etc.

SEC. 5. When strikes are sanctioned and financed by the International Union, the International President may appoint, subject to the approval of the International Executive Board, a financial agent who shall assume responsibility for all International funds so expended, said financial agent to be bonded; amount of bond to be determined by the International Executive Board, and no bills shall be paid by the International Union unless contracted or authorized by said financial agent, the resident International Officers or the International Executive Board.

SEC. 6. When strikes are financed by the International Union the International Secretary-Treasurer shall furnish each Local Union involved with report blanks on which all expenditures must be detailed as provided on the blanks, and Recording Secretary shall fill out said blanks weekly; have the same attested by the Local President and Financial Secretary; attach the seal of the Local Union and forward one copy to the International Secretary-Treasurer; one copy to the financial agent in charge of the finances and retain one copy in the Local Union for future reference. Local Unions failing to comply with this section shall not receive financial relief from the International Union.

SEC. 7. The International Secretary-Treasurer shall devise a uniform system of accounting for the use of financial agents handling strike funds for the International Union, and it shall be the duty of the Traveling Auditors employed in the District where the strike prevails, or such person as may be authorized by the International President, to audit the accounts of the financial agent at least every quarter of the period of the strike, or as often as the International Secretary-Treasurer may consider an audit necessary, and a final audit must be made when the strike is ended, and the Auditor making such audits shall file a report of each audit with the International Secretary-Treasurer, who in turn shall submit them to the membership in his financial report.

SEC. 8. Any member who leaves a locality where a strike is in progress, goes to work in another locality and remains away one month or more, shall not be entitled to strike benefits if he returns to the strike zone while the strike is on.

ARTICLE XVII

Organizers

SECTION 1. Organizers' Commissions must be signed by the International President and attested by the International Secretary-Treasurer.

SEC. 2. International Organizers shall work under the direction of the International President or the International Executive Board and shall have authority to visit any Local Union within the jurisdiction of the United Mine Workers, when directed by the proper authority to do so.

ARTICLE XVIII

Charges and methods of trials

SECTION 1. When any officer of the Organization, other than local, is charged with official delinquency or malfeasance, other than as to the particular offenses described in Section 7 of this Article, the charge must be lodged with the Executive Board of the branch of which he is an officer and the decision of said Executive Board shall close the case insofar as such tribunal is concerned, but should the accused or his accuser be dissatisfied with the decision of the tribunal first trying the case, either shall have the right of appeal to the next highest tribunal in authority and so on until a final decision is reached, as provided in Section 3 of Article III.

SEC. 2. When any Local officer or any member not an officer, is accused of violating any of the Organization's laws or any transgression against the Organization or any of its officers or members, other than as to the particular offenses described in Section 7 of this Article, the charge must be first lodged with and prosecuted before the Local Union of which the alleged offender is a member and the decision of the Local Union shall close the case so far as that tribunal is concerned, but should the accused or his accuser be dissatisfied with the decision of the tribunal first trying the case, either shall have the right of appeal to the next highest tribunal in authority and so on until a final decision is reached, as provided in Section 3 of Article III, except as otherwise provided in this Constitution.

SEC. 3. When Sub-District Conventions are in session, they shall be recognized as intermediary trial tribunals between the Sub-District and District Executive Boards, and District Conventions in session shall be recognized as intermediary trial tribunals between the District and International Executive Boards and International Conventions in session may assume the functions of the International Executive Board, but if it can be shown that any case prosecuted under this Article has been unnecessarily delayed on account of awaiting the arrival of a Sub-District, District or International Convention, said Convention shall refuse to consider the case, and shall refer it back to the respective Executive Board without prejudice.

SEC. 4. When it is proven that either party to a case has wilfully failed to appear before the proper tribunal for a hearing, after receiving official notice to do so, the case shall be decided in favor of the disputant so appearing and no appeal shall be allowed, and if neither disputant appears, the case shall be closed by default.

SEC. 5. The tribunal first trying any officer or member for any offense against the Organization or any of its members, except as elsewhere herein provided, shall have the right to fix the penalty for the offense, but any offense committed or penalty imposed shall be subject to review as hereinbefore provided for.

SEC. 6. The foregoing sections of this Article shall not prevent the enforcement of penalties as provided elsewhere in this Constitution; nor interfere with the right of recall as provided by Section 29 of Article XI, or the provisions relating to the revocation of charters of

subordinate branches; nor shall they interfere with trials by the International Executive Board as provided in the next section.

SEC. 7. When any officer of the International Organization, or of any District, Sub-District or Local thereof, or when any member of the United Mine Workers of America, is charged with fomenting, leading or encouraging a dual union, or a dual movement within the Organization, upon charges being filed with the International Executive Board, notice to such accused person or persons of not less than five days of the time and place of hearing shall be given, and a hearing of said charges shall be had. If upon such hearing the International Executive Board finds such officer or officers or person or persons guilty, it may order the removal of such officer from office and his expulsion from the Organization or suspension from membership, and in the case of a member accused and found guilty the Board may order the expulsion of such member from the Organization or the suspension of his membership. An appeal may be taken by the accused from such decision of the International Executive Board to the next International Convention. In all such cases the decision of the International Executive Board, shall be effective unless reversed by the International Convention.

ARTICLE XIX

Official Journal

The publication and management of our official Journal shall be left with the International Executive Board, which body shall have full power to decide all questions concerning publication, business management and policies thereof.

ARTICLE XX

District 50

SECTION 1. District 50, United Mine Workers of America, subject to the jurisdiction and regulation of the International Executive Board, is hereby created and set up under authority of the International Union and may adopt by-laws and rules not inconsistent with this Constitution.

ARTICLE XXI

Miscellaneous

SECTION 1. Any officer or any member of any branch of the Organization guilty of embezzlement or of misappropriating any of the funds of the Organization, shall be prosecuted by every means possible by the branch whose funds are embezzled or misappropriated, and shall not be allowed to hold any office in the Organization thereafter.

SEC. 2. Any officer of any branch of the Organization accepting a salaried political office other than that of a State Legislator, Member of Congress, Member of Provincial Parliament, County Sheriff, or Member of State Board of Arbitration, Local School Board, City, Borough or Town Council, or Local Poor Boards, Member of Miners

Examining Boards granting certificates of competency, or member serving on Industrial Insurance Commission and any other office legislating or administering laws affecting labor, shall resign his office in the United Mine Workers of America immediately upon his acceptance of the same.

SEC. 3. Any member guilty of slandering or circulating, or causing to be circulated, false statements about any member or any members circulating or causing to be circulated any statement wrongfully condemning any decision rendered by any officer of the Organization, shall, upon conviction, be suspended from membership for a period of six months and shall not be eligible to hold office in any branch of the Organization for two years thereafter. The above shall be construed as applying to any local officer or member reading such circulars to the members of a local union, or who in any way gives publicity to such. This also includes the circulating of any statements from or giving any aid to any organization set forth in Section 2 of Article XIV.

SEC. 4. Any officer or any employee of any branch of the Organization seen in public in a state of intoxication shall, upon conviction, be at once removed from his position by the proper authority having jurisdiction over such officer or employee.

SEC. 5. The Cooperative Retirement Plan for officers and employees of the United Mine Workers of America provides that retirement pensions shall begin on the first of the month nearest a participant's sixty-fifth birthday, and must begin on his seventieth birthday. Therefore, an officer, Executive Board member or employee of the International Union shall retire from the service of the United Mine Workers of America upon his seventieth birthday. Exceptions to this obligatory retirement age may be made by the International Executive Board if it finds it necessary to continue the services of an officer, Executive Board member or employee.

SEC. 6. All officers of all branches of the United Mine Workers of America must, upon retiring from office, turn over to the branch of the Organization they represented all moneys, official records and documents, and all property belonging to the Organization that may be in their possession at the time of retirement.

SEC. 7. Any member of the United Mine Workers of America who furnishes a complete or partial list of our membership to any person or persons, except to those whose official business requires them to have such a list, shall be subject to a fine of ten dollars and be debarred from holding office in the Organization for a period of one year.

SEC. 8 When possible, all persons employed by our Organization in and around headquarters and the United Mine Workers Journal shall be members of organized labor.

SEC. 9. Sick, accident and death benefit funds may be established by Districts, Sub-Districts or Local Unions if desired by two-thirds of the members of the respective bodies.

SEC. 10. Any member of the Organization who resorts to the civil courts to secure redress of an alleged wrong done him by the Organization, before exhausting his rights in the courts of the United Mine Workers of America, shall be expelled from the Organization and shall not be reinstated until the suit entered in the civil courts is withdrawn.

SEC. 11. Any member or members shutting down a mine in violation of Joint Agreement shall, upon conviction by the District organization, suffer such penalty as may be imposed upon them by the respective District organizations.

SEC. 12. When a Local charter is revoked the members thereof shall be required to pay an initiation fee of $10 before they can again secure membership in the United Mine Workers of America, excepting those who have complied with the laws of the Organization and Joint Agreements.

SEC. 13. Local Unions may fine members 50 cents for failure to attend at least one meeting per month; provided, however, Local Union rules pertaining to this fine shall be approved by the District Organization.

SEC. 14. This Constitution shall be in full force and effect from October 1, 1944, and shall remain in full force and effect until amended by the majority vote of the delegates of the next International Constitutional Convention.

BURIAL SERVICE

The following burial service is adopted to be used at funerals of deceased members of the United Mine Workers of America:

Fellow Workers: We are assembled here today to pay a last sad tribute of love to our departed friend and brother. This solemn occasion speaks forcibly of our mortality. We can say with the Psalmist: "What is man that Thou art mindful of him, or the son of man that Thou visiteth him, for man that is born of woman is full of trouble and sorrows. He cometh forth like a flower and is cut down. Our years of labor are brought to an end. Our dust shall return to the dust as it was, and our spirit to the God who gave it."

Again, fellow workers, we are reminded that we, too, are but mortal and will soon break the tenement of clay and depart for the hereafter, and it behooves each one of us to follow a line of conduct that will bring about a closer friendship, one that is true to God and man.

All our beautiful surroundings tell us of God's greatness and goodness, of the universe of which we are children of His creation.

But why should we be sad and mournful, when God can give us consolation while living here on earth, for His promise is that we shall meet again in the realms above, for the Word of God teaches us that we shall again meet after death.

And now, our fellow worker, we pay the last sad rite and tribute of respect, the last one we can pay you in this world, placing on your grave these evergreens as a token of respect, that thy memory shall be with us always, though thou hast paid the debt and hast gone to the realms above.

And now to the family and friends of this, our deceased brother, we tender our heartfelt sympathy in this, their sad hour of affliction, and bid them look to God for His tender mercies, for He alone can give them consolation.

And now, fellow worker, we bid thee a tender and loving farewell.

Let us pray: And now may grace, mercy, and peace from God the

Father, Son, and Holy Spirit rest and abide with you now and forevermore.

Amen.

MANUAL

OPENING

The hour of meeting having arrived, the President shall take the Chair and give one rap with the gavel, upon which all officers and members shall be seated. If no regular doorkeeper has been appointed, the President shall appoint one of the brothers to see that none but members of the Union are admitted.

President—The time for opening this meeting having arrived, I declare this meeting duly convened and qualified to consider measures tending to conserve the best interest of this Union, and the United Mine Workers of America.

ORDER OF BUSINESS

1. Roll call of officers.
2. Reading of minutes.
3. Correspondence.
4. Propositions for membership and initiation.
5. Finance.
6. Reports of Committees.
7. Unfinished business.
8. Naturalization of members.
9. New business.
10. Labor: Discussion in the interest of organized labor.
11. Election of officers and installation.

President—The business of this meeting having been duly transacted, I declare it adjourned until our next regular session, unless you are specially called together, when I hope to see all members present.

NATURALIZATION OF MEMBERS

Under this order of business, the presiding officer will inquire, "Are there any members present who desire to become citizens of the United States?" If there are those present who have not become American citizens and who wish to do so, their names should be referred to the Committee on Naturalization appointed by each Local Union whose duty it shall be to assist foreign-born members to become naturalized and to supply them with information regarding naturalization laws, and to help them in every way possible to become citizens of the United States.

NEW MEMBERS

Any member of a Local Union can propose anyone who works in or around the mine for membership in the organization. Propositions to be made to the Secretary, who shall announce the same to the Union, under the head of Order of Business No. 4.

President—Brothers, you have heard the name (or names) of the candidate (or candidates) who desire to become members of this Union. Are there any objections?

NOTE: Local Unions having complete control over their own affairs shall decide by what vote they will admit members to their body; if objections are raised the President shall call for a vote in accordance with rules of the Union. If no objections are raised a vote is unnecessary, and the President shall say: No objections having been raised I declare the candidates entitled to take the obligation and become members of this Local Union.

INITIATION

President—Mr. Doorkeeper, are there any candidates in waiting who have been accepted by this Union?

Doorkeeper—Mr. President, I find Brothers ..... mine workers, who were elected to become members of this body.

President—Admit the brothers.

The doorkeeper will admit the candidates and place them in a line opposite the President.

President—Fellow Workmen: The United Mine Workers of America requires perfect freedom of inclination in every candidate for membership to its body. An obligation of fidelity is required; let me assure you that in this obligation there is nothing contrary to your civil or religious duties; with this understanding are you willing to take an obligation which binds you upon your honor as a man to keep the same as long as life remains?

Each candidate answers—I am.

President—Raise your right hand.

"I do sincerely promise, of my own free will, to abide by the laws of this Union; to bear true allegiance to, and keep inviolate the principles of the United Mine Workers of America; never to discriminate against a fellow worker on account of creed, color, or nationality; to defend freedom of thought, whether expressed by tongue or pen, to defend on all occasions and to the extent of my ability the members of our organization.

"That I will not reveal to any employer or boss the name of anyone a member of our union. That I will assist all members of our organization to obtain the highest wages possible for their work; that I will not accept a brother's job who is idle for advancing the interests of the Union or seeking better remuneration for his labor; and, as the mine workers of the entire country are competitors in the labor world, I promise to cease work at any time I am called upon by the organization to do so. And I further promise to help and assist all brothers in adversity, and to have all mine workers join our Union that we may all be able to enjoy the fruits of our labor; that I will never knowingly wrong a brother or see him wronged, if I can prevent it.

"To all this I pledge my honor to observe and keep as long as life remains, or until I am absolved by the United Mine Workers of America."

Answer—I promise.

President—You are now members of Local Union No. ..... and entitled to all rights and privileges of members of the United Mine Workers of America.

INSTALLATION OF OFFICERS

I,_____, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the Laws of the organization, and to bear true allegiance to the United Mine Workers of America. I will deliver to my successor in office all books and other property of this Union that may be in my possession at the close of my official term. All of this I solemnly promise, with full knowledge that to violate this pledge is to stamp me as a man devoid of principle and destitute of honor.

INDEX

	Art.	Sec.
Abandoned Mines	14	21
Appeal and Grievances:		
Committee	9	9
Compensation—time lost	6	5
Final decision	3	3
	18	4
Order of	3	4
	6	2, 3, 4
	12	19
	18	1, 2, 3
Right of appeal	3	3
	6	4
Trials—Officers and Members	18	
Appointments:		
Convention committees	9	9
Financial agents	16	5
Organizers, Field and Office Workers	9	5, 13, 22
Statistician	9	4
Traveling auditors	9	10, 13
Vacancies	9	2, 13, 14
Arrearages	14	11, 18, 19
Transfer cards	15	9, 10
Assessments:		
Conventions	14	13
Referendum vote	14	13
Auditors:		
Duties of	9	32, 33
Auditors and Tellers:		
No two from same district	8	2
Ballots	11	9
Local—Preservation of	11	24
Benefit funds	21	9
	14	3
Bonds:		
Financial agents	16	5
Local officers	14	37
Secretary-Treasurer	9	19
Bund organizations	14	2
Burial Service		
Charges:		
Against President	9	9
Against Local Officers and Members	18	2
Against Officers other than Local	18	1
Before Conventions	18	3
Compensation	6	5
Fixing Penalties	18	5, 6
When parties fail to appear	18	4

	Art.	Sec.
Charters:		
Fees, etc	14	4,5
Revoked	3	2
Issued by	3	2
Checkweighmen	14	32 to 36
Civic Federation:		
Not eligible to membership	14	2
Committees for Convention:		
Appointed by	9	9
Communist Party	14	2
Compensation:		
Time lost in defense of rights	6	5
Constitution:		
How amended	21	14
Interpretation of	9	7
Period of	21	14
Conventions	12	
Basis of Representation	12	2,3
Committees	9	9
Credentials	12	12
Delegates, Contested	12	16
Delegates, How elected	12	14
Delegates, Voting power	12	2
Locals combined for representation	12	5
Locals delinquent	12	7
Locals in arrears	12	6
Locals newly organized	12	8
Non-attendance, Penalty	12	4
Resolutions, grievances and amendments	12	17 to 19
Special	13	
Transportation—delegates	12	20
When and where held	12	1
Credential Committee:		
Duties of	9	33
Transfer of votes	12	13
Credentials	12	12
Death Benefit Funds	21	9
Department from membership	6	2
Delegates to Convention:		
Contested	9	34
	12	16
Eligibility	12	9 to 11
How elected	12	14
Transportation	12	20
Delinquent List	9	21
Penalty for appearing on	14	18
Refusal to bond local officers	14	37
Depositing Funds	9	20
Dispensations	15	8
Initiation fees, dues and assessments	9	11
Disputes	3	3
District 50	20	1
Districts:		
Boundaries	4	2
Chartered by and subject to	3	2
Election of District Officers	11	2
How formed	4	1
Division of Local Funds	14	25
Donations to Strikes	14	25
Dual Labor Organizations:		
Membership in	14	2
Dual Union or Dual Movement within the organization	18	7

	Art.	Sec.
Due Cards	14	30
Shall not admit to membership	15	13
Dues and Assessments	14	12, 13
Duties of Officers	9	
Money, records, etc., to successor	21	6
Elections	11	
Absent voters	11	12
Contested Votes	9	37
	11	22
District Officers	11	2
Fraud	11	14, 28
Interference and penalty	11	25, 28
International Officers	11	1, 2
Local Officers	14	31, 32
No plurality	11	23
One vote for each candidate	11	12
Place held and how determined	11	11
Posting notices	11	10
Report—International Tellers to Local Unions	9	37
Report—Local Tellers to Local Unions	11	30
Reports of Locals in bad standing	11	4
Return sheets	11	13 to 19
Tabulation—International Tellers	9	35
Tabulation—Local Tellers	11	11
When held	11	2
Eligibility:		
For Office—		
International	8	1
Local or Mine Committeeman	14	33, 34
For Membership	14	7
Employees:		
Members of Organized Labor	21	8
Exonerations	14	21 to 24
Fascist Organizations	14	2
False Statements:		
Penalty	21	3
Field Workers:		
Appointments of	9	5
Financial Aid	16	5, 6
Funds:		
Deposits and Withdrawals	9	20, 26
Half Members	14	14
Industrial Workers of the World	14	2
Initiation of New Members		
Initiation Fee	14	7, 8
Installation of Officers		
International Executive Board:		
Composition	7	
	9	29
Direct Jurisdiction	3	2
	11	28
	15	16
	14	2
Duties of	9	25 to 28
How convened	9	30
Members subject to President's orders	9	31
Representation—new districts	8	4
Vacancies	9	2
Votes	9	28
International Union:		
Composition and Division	3	1

	Art.	Sec.
Interpretation:		
Constitution	9	7
Intoxication	21	4
Journal:		
Publication and Management of	19	
Jurisdiction	3	
Local Unions:		
Arrears	14	11
Ballots, preservation	11	24
Benefit funds	21	9
Bonds	14	37
Chartered by and subject to	3	2
Charter fee, etc	14	4,5
Compensation by	6	5
Compliance with Sub-District Laws	14	27
Debarment from Membership	6	2
	21	10
Delinquency, duty of members to report	14	30
Disbanded	14	26
Discussion of Constitution and Agreements	14	28
Division of funds	14	25
Donations to strikes	14	23
Due Cards	14	30
Dues and Assessments	14	12,13
Election of Officers	14	31,32
Eligibility for Membership	14	7
Eligibility for Office	14	33
Exoneration	14	21 to 24
Half Members	14	14
How formed and governed	14	
Ineligibility to Membership	14	2
Initiation fee	14	7,8
Jurisdiction	14	3
Laws for governing	6	1
Membership forfeited	11	28
	14	10,11
	15	16
	21	2,10
Misappropriation of funds	14	25
	21	1
Non-Union mines	14	10
Notice of Conventions	12	14,15
Notice of Nominations and Elections	11	10
Order of Appeals	6	2,3,4
Quorum	14	1
Reinstatement to Membership	14	10,11
	15	7
	21	10,12
Reports, members in good standing	14	15 to 17
Seal	14	38
Subscription to Journal	14	40
Supplies	14	4,39
Suspension of Local Unions	14	17,19
Suspension of Members	14	29
Two Offices	14	34
Tellers, duties of	11	13
Union Label	14	41
Manual		
Member:		
Compensation defending rights	6	5
Definition of	14	26
Half Member	14	14

	Art.	Sec.
Membership:		
Eligibility to	14	7
Forfeited	11	28
	14	2, 10, 11
	15	16
	21	3, 10
How protected	15	14
Ineligibility to	14	2
List of	21	7
Reinstatement to	14	10, 11
	15	7
	21	10, 12
Withdrawal of Transfer Cards	15	11
Transfer Cards accepted	15	18
Misappropriating Funds:		
Embezzlement, etc	21	1
Promotion of Candidate	14	25
Miscellaneous	21	
Name of Organization	1	
Nazi Organizations	14	2
Nominations:		
Blanks	11	5
Notification of Candidates	11	6 to 8
Number required	11	6, 27
Of Officers by Local Unions	11	5
Official notice attested by Officers of Local Unions	11	7
Withdrawal of name not allowed after filing acceptance	11	8
Non-Union Mines:		
Not allowed to work in	14	10
Objects	2	
Obligation taken by New Members:		
Officers:		
Accepting political offices	21	2
Duties of	9	
Retirement Plan for	21	5
Number of	7	
Salaries and expenses	10	1
Offices:		
Qualifications for	8	1, 2, 3
Two prohibited	8	3
Office Workers:		
Appointment of	9	5, 22
Members of Organized Labor	21	8
Order of Business	17	
Organizers:		
How appointed	9	5
Password	9	8
Penalties:		
Circulating false statements	21	3
Delinquent member	14	11
Delinquent taxes	14	19
Division of Local funds	14	25
Election fraud	11	14, 28
Failure L. U. to report	14	19
Failure to attend meeting	21	13
Failure to post convention notices	12	15
Failure to return transfer card stub	15	15
Intoxication	21	4
Invalid Transfer Cards	15	7
List of membership	21	7
Misappropriating funds	21	1
Penalizing members	6	2
Resorting to civil courts	21	10
Right to fix	18	5, 6
Shutting down mine	21	11
Trafficking in Transfer Cards	15	16

	Art.	Sec.
Political Offices	21	2
President:		
Duties of	9	1 to 13
	9	24, 30, 38
Vacancy	9	14
Proceedings:		
Of Conventions and Board Meetings	9	16
Qualification for Office	8	1
Recall of International Officers	11	29
Regular Attendant	17	29
Meaning of	12	9
Reinstatement:		
Delinquent Members	14	11
Local Unions	14	18, 19
	15	7
Members reverting to civil courts	21	10
Members of revoked Locals	21	12
Removal:		
International Officers and appointees	9	3, 13
Reports:		
Auditors	9	32
Credential Committee printed report to Convention, 1st day	9	33
Districts and Sub-Districts to Tellers	11	4
Local Unions. Members in good standing	14	15, 16, 17
Organizers to Sec.-Treas	14	6
Officers to Convention	9	24, 38
Sec.-Treas. to Local Unions	9	18
Tellers to Local Unions	9	36, 37
Representation:		
Conventions	12	2, 3
International Executive Board	8	4
Special Conventions	13	2
Retirement Plan for Officers and Employees	21	5
Retirement of Officers:		
Records, etc., to successor	21	6
Salaries and Expenses:		
Editor	10	1
Employees	10	2
Officers	10	1
School:		
Leave of absence	14	9
Seal:		
Local Union	14	38
Secretary-Treasurer:		
Ballots	11	9
Credentials	12	12
Duties of	9	15 to 24, 38
Nomination blanks	11	5
Notification of Nominations	11	6
Resolutions, grievances, and Constitutional amendments	12	17
Return Sheets	11	17 to 19
Special Conventions	13	
Statistician:		
Duties of	9	4
How appointed	9	4
Strikes	16	
Benefits	16	8
Transfer Cards	15	12
Calling of	9	27
	16	2, 3
Financial Agent	16	5 to 7
Financial Aid	16	3 to 8

	Art.	Sec.
Subdistricts:		
Chartered by and subject to	3	2
How formed	5	
Laws for governing	5	
Supplies	14	4, 29
Suspensions:		
Local Unions	14	17, 19
Members	11	28
	14	25
Officers and appointees	9	3, 13
	11	28
Taxes and Assessments:		
Where paid when boundaries are changed	4	2
Tellers, International:		
Contests filed with	11	22
Duties of	9	35, 36, 37
	11	14, 15
	11	21
No two from same district	8	2
Receipt for return sheets	11	18
Report of election	9	36, 37
Statement from District and Subdistricts of Local Unions in bad standing	11	4
Tabulation of votes	9	35, 36
Tabulation of nominations	9	35
Tellers, Local:		
Duties of	11	12, 13, 15
How elected	11	13, 20
Responsibility of	11	26
Terms of Office	11	2
Transfer cards	15	
Depositing and withdrawal	15	9, 11
Depositing with National or District	15	14
Disbanded Locals	15	13
Facsimile	Center of Book	
Foreign	15	18
Invalid	15	4 to 7, 10
Issuing and receiving and form of	15	1, 2, 3
Monthly statement	15	1
Must be accepted	15	17
Penalty for issuing or accepting invalid Cards	15	7
Record of	15	15
Strike benefits	15	12
Trafficking in	15	16
Unclaimed	15	13
When dispensations are in force	15	8
Transportation:		
Delegates to Convention	12	20
Traveling Auditors:		
Appointed	9	10
Auditing strike funds	16	7
Trials, Charges:		
Method of	18	
Two Offices at Same Time:		
Prohibited	8	3
	14	34
Union Label	14	41
Vacancies:		
International Offices	9	2
Presidency	9	14
Vice President:		
Duties of	9	14, 24, 38
Visiting Districts, etc	9	6
Votes:		
Tabulation of	9	35, 36

Voting:	Art.	Sec.
Absent voters	11	12
International Executive Board	9	28
One vote for each candidate	11	12
Privilege of	11	3
Working Class Union	14	2

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

CITY OF WASHINGTON,
District of Columbia, ss:

THOMAS KENNEDY, being first duly sworn under oath, deposes and says:

That he is the Secretary-Treasurer of the United Mine Workers of America; that pursuant to authority granted by John L. Lewis, President of the United Mine Workers of America, and pursuant to powers vested by the constitution of the United Mine Workers of America, including, among others, Section 15 and 17 of Article IX of the said constitution, Affiant is lawfully authorized to assign, transfer and deliver United States bonds registered in the name of the United Mine Workers of America to the Clerk of the United States District Court for the District of Columbia in order to secure the payment of a judgment rendered against the United Mine Workers of America on December 4, 1946, in the above-styled cause.

(S) Thomas Kennedy.
THOMAS KENNEDY.

Subscribed and sworn to before me this 6th day of December 1946.

(S) DOROTHY L. PARKER, *Notary Public.*

My Commission Expires August 15, 1946.

[Filed, Dec. 5, 1946, Charles E. Stewart, Clerk.]

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

Order staying execution of judgments in contempt

Notice of appeals from the Orders and Judgments for Contempt in the above entitled matter having been given and filed this 5th day of

December 1946, and a bond in the amount of $10,000.00 on behalf of defendant John L. Lewis individually having been approved and filed, and a bond in the amount of $3,500,000.00 on behalf of defendant United Mine Workers of America, an unincorporated association, having been approved and filed, it is hereby ordered, adjudged and decreed on the motion of defendants, United Mine Workers of America, an unincorporated association, and John L. Lewis, individually and as president of the United Mine Workers of America, for a stay of execution of the judgments in contempt, that said motion be granted and execution of said judgments be hereby stayed during the pendency of said appeals.

(S) T. ALAN GOLDSBOROUGH,
Justice.

December 5, 1946.

[Filed December 5, 1946. Charles E. Stewart, Clerk.]

In the District Court of the United States for the District of Columbia

Civil Action No. 37764

UNITED STATES OF AMERICA, PLAINTIFF

v.

UNITED MINE WORKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND JOHN L. LEWIS, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, DEFENDANTS

Plaintiff's designation of record on appeal

To the Clerk of the Above Court:

Plaintiff herein designates as and for the papers to be included in and to constitute the record on appeal to be certified and forwarded to the United States Court of Appeals for the District of Columbia, as directed by the above-entitled Court by its order dated December 5, 1946, all of the pleadings, attached exhibits, supporting affidavits, orders, memoranda, motions, statements of points and authorities and briefs, the complete reporter's transcript of the proceedings and hearings, all of plaintiff's and defendants' exhibits and all other papers filed in the above cause with the exception of the following:

All subpoenas and subpoenas *duces tecum* to witnesses and the returns thereof or thereon.

TOM C. CLARK,
Attorney General.
By John F. Sonnett,
JOHN F. SONNETT,
Assistant Attorney General.

[Filed Dec. 6, 1946. Charles E. Stewart, Clerk.]

In the District Court of the United States for the District of Columbia

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Charles E. Stewart, Clerk of the District Court of the United States for the District of Columbia, hereby certify the foregoing pages number 1----, both inclusive in Volumes I, II and III, together with pages-- to --, of the Supplemental Volume IV, to be a true and correct transcript of the record according to designation of record by counsel filed and made a part of this transcript, and pursuant to Rule 73 (g) of the Federal Rules of Civil Procedure for the District Courts of the United States, in action entitled *United States of America*, Plaintiff v. *United Mine Workers of America*, an unincorporated association, and *John L. Lewis*, individually and as President of the United Mine Workers of America, an unincorporated association, Defendants, Civil Action No. 37764, as the same remains upon the file of record in said Court.

In testimony whereof, I hereandto subscribe my name and affix the seal of said Court at the City of Washington in said District this – day of December 1946.

CHARLES E. STEWART,
Clerk.

———— ————,
Deputy Clerk.

In the United States Court of Appeals, District of Columbia

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Joseph W. Stewart, Clerk of the United States Court of Appeals, District of Columbia, hereby certify the foregoing pages numbered 1 —, both inclusive, in Volumes I, II and III, together with pages — to — of Supplemental Volume IV, to be a true and correct transcript of the record in the appeal entitled *United Mine Workers of America*, an unincorporated association, and *John L. Lewis*, individually and as President of the United Mine Workers of America, an unincorporated association, Appellants, v. *United States of America*, Appellee, as the same remains upon the file and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court at the City of Washington in said District this — day of December 1946.

JOSEPH W. STEWART,
Clerk.

———— ————
Deputy Clerk.

[fols. 555-557] [Caption omitted]

[fol. 558] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Civil Action No. 37764

UNITED STATES OF AMERICA, Plaintiff,

vs.

UNITED MINE WORKERS OF AMERICA, an Unincorporated Association, and John L. Lewis, Individually and as President of the United Mine Workers of America, Defendants

NOTICE OF APPEAL—Filed December 19, 1946

Notice is hereby given this 19th day of December, 1946, that United Mine Workers of America, an unincorporated association, and John L. Lewis, individually and as President of the United Mine Workers of America, defendants above named, hereby appeal to the United States Court of Appeals for the District of Columbia from the order and judgment granting a preliminary injunction entered in this action on the Fourth day of December, 1946, and from the temporary restraining order granted November 18, 1946, and the order extending said temporary restraining order granted November 27, 1946, all in favor of United States of America against said United Mine Workers of America, an unincorporated association, and John L. Lewis, individually and as President of the United Mine Workers of America.

Welly K. Hopkins, Edmund Burke, T. C. Townsend, Harrison Combs, Counsel for United Mine Workers of America, John L. Lewis, Individually, John L. Lewis, President, United Mine Workers of America.

Of counsel: Joseph A. Padway, Henry Kaiser, James A. Glenn.

[fol. 559] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Civil Action No. 37764

[Title omitted]

DEFENDANTS' DESIGNATION OF RECORD ON APPEAL—Filed December 19, 1946

To the Clerk of the above Court:

1. Defendants herein designate as and for papers to be included in and to constitute the record on appeal to be certified and forwarded to the United States Court of Appeals for the District of Columbia, the notice of appeal filed herein by the defendants on December 19, 1946.

2. Defendants further designate for the record on this appeal the entire record in this case heretofore certified to the United States Court of Appeals for the District of Columbia by this Honorable Court. (Note to Clerk: The matter designated in this paragraph #2 need not be copied and certified at this time for the reason that application will be made to the reviewing Court to treat the record, heretofore certified in Nos. 9436 and 9437 in that Court, as part of the record on this appeal.)

(S.) Harrison Combs, James A. Glenn, Counsel for Defendants.

Copy of the above served on Hon. Tom C. Clark, Attorney General, this 19th day of December, 1946, by mailing to him at his office in Washington, D. C. (S.) Harrison Combs, Counsel for Defendants.

[fol. 560] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Civil Action No. 37764

[Title omitted]

DESIGNATION OF RECORD—Filed December 20, 1946

To the Clerk of the Above Court:

It is hereby requested that the "Notice of Appeal" and "Defendants' Designation of Record on Appeal" filed herein by the defendants on December 19, 1946, be certified and transmitted to the Court of Appeals for the District of Columbia as a part of the record herein.

Jos. A. Padway, Counsel for Defendants.

Plaintiff interposes no objection to the above designation.

Tom C. Clark, Attorney General of the United States, by John F. Sonnett, Assistant Attorney General.

Dated this 20th day of December, 1946.

[fols. 561-562] Clerk's Certificate to foregoing papers omitted in printing.

[fol. 563] IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

No. 9453

UNITED MINE WORKERS OF AMERICA, an Unincorporated Association, and JOHN L. LEWIS, Individually and as President of the United Mine Workers of America, Appellants,

vs.

UNITED STATES OF AMERICA, Appellee

DESIGNATION OF RECORD—Filed December 21, 1946

The Clerk will please prepare a certified transcript of record for use on petition to the Supreme Court of the United States for writ of certiorari in the above entitled cause, and include therein the following:

1. Transcript of record.

2. This designation.

3. Clerk's certificate.

Harrison Combs, Attorney for Appellants.

Dated this 20th day of December, 1946.

I hereby certify that I have this 21st day of December, 1946, mailed a copy of this designation of record to Hon. Tom C. Clark, Attorney General of the United States.

Harrison Comba, Attorney for Appellants.

[fol. 564] Clerk's Certificate to foregoing papers omitted in printing.

[fol. 565] Supreme Court of the United States, October Term, 1946

No. 759

Order Allowing Certiorari—Filed December 9, 1946

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. The case is assigned for argument on Tuesday, January 14th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[fol. 566] Supreme Court of the United States, October Term, 1946

No. 760

Order Allowing Certiorari—Filed December 9, 1946

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. The case is assigned for argument on Tuesday, January 14th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[fol. 567] SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1946

No. 781

ORDER ALLOWING CERTIORARI—Filed December 16, 1946

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is consolidated with Nos. 759 and 760.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[fol. 568] SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1946

No. 782

ORDER ALLOWING CERTIORARI—Filed December 16, 1946

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is consolidated with Nos. 759 and 760.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[fol. 569] SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1946

No. 811

ORDER ALLOWING CERTIORARI—Filed December 23, 1946

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is consolidated with Nos. 759, 760, 781, and 782.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.